

In The Matter Of:
Verde Connect Project
Draft EIS, Public Meeting

Reporter's Transcript of Proceedings
May 11, 2020
Additional Public Comments



GRIFFIN GROUP
INTERNATIONAL

3200 East Camelback Road, Suite 177
Phoenix, Arizona 85018

Original File VC051120 VM.txt
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<p>VERDE CONNECT PROJECT) DRAFT EIS) PUBLIC MEETING))</p> <p>REPORTER'S TRANSCRIPT OF PROCEEDINGS ADDITIONAL PUBLIC COMMENTS</p> <p>PREPARED BY: Debra Riggs Torres, RPR Certified Reporter Certificate No. 50647</p> <p>PREPARED FOR: ASCII/CONDENSED COPY (Certified Copy)</p>	<p>Page 3</p> <p>1] (Voicemail dated 05/11/2020 at 2:36 p.m.) 2] JANET WALTHER: Hi, my name is Janet 3] Walther. My phone number is (760) 271-8506. And I have a 4] comment for the court reporter. I do wish to remain 5] anonymous. My comment is -- or my question is: What are 6] the estimates or likely additional costs to Yavapai County 7] for the Verde Connect project for hiring of the additional 8] environment monitoring personnel that they have listed and 9] all the mitigation requirements to address the 10] environmental impacts of this project? Are there similar 11] past projects that these costs can be estimated? 12] Again, my question, and I do wish to remain 13] anonymous is: What are the estimates or likely additional 14] costs to Yavapai County for the Verde Connect project for 15] hiring of the additional environment monitoring personnel 16] listed and all the mitigation requirements to address the 17] environmental impacts of this project? Are there similar 18] past projects that these costs can be estimated? 19] Thank you. 20] (End of audio.) 21] 22] 23] 24] 25]</p>
<p>Page 2</p> <p>1] PUBLIC COMMENTS 2] 3] SPEAKER: PAGE: 4] Janet Walther..... 3 5] Frances Judd..... 4 6] 7] 8] 9] 10] 11] 12] 13] 14] 15] 16] 17] 18] 19] 20] 21] 22] 23] 24] 25]</p>	<p>Page 4</p> <p>1] (Voicemail dated 05/16/2020 at 9:20 a.m.) 2] FRANCES JUDD: Hi, my name is Frances Judd. 3] I live at 1495 Abbey Road South in Clarkdale, Arizona, and 4] I am very much against this Verde Connect road. In the 5] days of the COVID virus now, the last thing we need is an 6] increase in taxes for a road that's going to lead to 7] nowhere really. It's going to serve very little purpose 8] in the Verde Valley, and I know it's going to raise the 9] taxes extensively. 10] Anyway, please put me in as very much 11] against the Verde Connect road. Thank you very much. 12] Bye. 13] (End of audio.) 14] 15] 16] 17] 18] 19] 20] 21] 22] 23] 24] 25]</p>

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BE IT KNOWN that the foregoing audio/video recording was transcribed by me, Debra Riggs Torres, a Certified Reporter; that the 5 pages contained herein are a true and correct transcript of the recording, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED this 26th day of May, 2020.

/s/ Debra Riggs Torres
DEBRA RIGGS TORRES, RPR
Certified Reporter
Certificate No. 50647

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Original File Verde Connect Public Comments 051520.txt

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<p>VERDE CONNECT PROJECT) DRAFT EIS) PUBLIC MEETING))))</p> <p>REPORTER'S TRANSCRIPT OF PROCEEDINGS PUBLIC COMMENTS</p> <p>Phoenix, Arizona May 11, 2020 4:00 p.m.</p> <p>REPORTED STENOGRAPHICALLY BY: DANIELLE C. GRIFFIN, RPR Certified Reporter Certificate No. 50926</p> <p>PREPARED FOR: ASCII/CONDENSED COPY</p> <p>(Certified Copy)</p>	<p>Page 3</p> <p>1] JEN: I live in Village of Oak Creek in 2] Sedona. And I just wanted to make a very brief comment 3] that as a resident of Big Park in Village of Oak Creek, we 4] rarely utilize the Beaver Road going towards Cottonwood. 5] And with the recent flooding in the Tonto Basin area, I 6] know the residents in Gila County were looking for some 7] support to build a bridge over Tonto Basin/Tonto Creek. 8] And I believe that the \$25 million would be best served for 9] Gila County in constructing a bridge in Tonto Basin. 10] I believe the Governor's Office stated that a 11] number of people were killed due to flooding, and I believe 12] the -- the money would be best served for those residents 13] for Tonto Creek/Tonto Basin. So that's my comment. I 14] don't agree with the bridge over the Verde Valley. I do 15] not believe -- or the Verde River. And I do not believe 16] that will serve the residents. I believe it would be best 17] served for a bridge for Tonto Basin and Gila County. 18] Thank you. 19] MARIE SCHOENBERG: Okay. My name is Marie 20] Schoenberg. And I'm calling from Albuquerque, New Mexico. 21] And my address is 4965 Butte, NW. And that's Albuquerque, 22] New Mexico, and the ZIP is 87120. 23] Okay. I'm going to read my comments. And I 24] have, like, a couple questions within that comment. So I 25] realize that this competitive project has been going since</p>
<p>Page 2</p> <p>1] PUBLIC COMMENTS 2] SPEAKER: Page 3] JEN..... 3 4] MARIE SCHOENBERG..... 3 5] ERIC WYLES..... 5 6] JIM WILKINSON..... 6 7] 8] 9] 10] 11] 12] 13] 14] 15] 16] 17] 18] 19] 20] 21] 22] 23] 24] 25]</p>	<p>Page 4</p> <p>1] June 2018. And Yavapai County and the Federal Highway 2] Administration has been studying the potential roadways and 3] bridge across the Verde River to provide a new north-south 4] connection between 260 to Cornville Road; however, I am 5] currently in support of the no-build alternative at this 6] time. And wondering if you could elaborate on the B2 7] alternative that -- it was mentioned in the video, but it 8] was very brief. 9] And then also my concern is that you need to 10] track this. It's missing the primary indicator of the 11] natural scenic beauty of the Verde River landscape. And if 12] this project goes smooth, will there be biplanes? Since 13] biplanes have a negligible effect on congestion, traffic 14] congestion and speed limit is what I'm referring to. 15] And then my final comment is, the economic 16] outlook has changed drastically in the past couple months. 17] And since the grant requires that all funds be fully 18] expended by September 30th, 2025, will the 25 million grant 19] be enough to cover the entire project? And what is the 20] entire project cost? And will the Yavapai Apache Nation be 21] required to pay part of the estimated price tag? 22] And since the grant requires that all funds 23] be fully expended by 9/30/2025, and with the Coronavirus 24] pandemic and the long-term economic outlook not looking 25] very favorable, this may change the outlook for future</p>

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<p>1] contributions. So how will the county be able to cover the</p> <p>2] remaining amount? So thank you. Those were my concerns.</p> <p>3] ERIC WYLES: My full name is Eric, E-r-i-c,</p> <p>4] Wyles, W-y-l-e-s. My mailing is P.O. Box 727 Cornville,</p> <p>5] AZ, 86325.</p> <p>6] I really want to thank the group and the</p> <p>7] county and everyone involved for such a comprehensive</p> <p>8] presentation. I really appreciated that. I also had about</p> <p>9] half a dozen questions written down before I saw the</p> <p>10] presentation and all of them were answered except for one.</p> <p>11] That question is: Based upon the</p> <p>12] presentation, it appears construction starts at the 260</p> <p>13] connection point. And I would hope that as construction</p> <p>14] proceeds toward the junction with the Cornville Road, that</p> <p>15] they would consider in their construction planning to take</p> <p>16] the majority of the heavy trucks on 260 and not down</p> <p>17] through Cornville where so many vehicles go. I don't know</p> <p>18] how you would accomplish this. I don't know if incentives</p> <p>19] could be given to the construction companies, the</p> <p>20] suppliers, the people that will be working on the project,</p> <p>21] if some consideration like that could be taken.</p> <p>22] But besides that, thank you to all the</p> <p>23] engineering and all of the reports that I know this took to</p> <p>24] put together. And I look forward to construction beginning</p> <p>25] because I see this as another artery of safety for the</p>	<p>1] I'm worried about the Middle Verde -- I think</p> <p>2] you guys did a great job. You put on a great deal, what</p> <p>3] you've got me listening to on the radio. I can't believe</p> <p>4] nobody is making any comments here on Middle Verde Road.</p> <p>5] But all us ranchers up and down here, I think, are really</p> <p>6] going to suffer from the traffic off I-17. I get enough</p> <p>7] people out here looking for Indian ruins, ATVs, shortcuts</p> <p>8] to the Verde River. And I think that this is greatly going</p> <p>9] to hurt the Middle Verde Road and the ranching community</p> <p>10] out here and the people that want to remain, you know,</p> <p>11] quiet lives out here with a bridge. But still fully</p> <p>12] understand that ambulances and police department need</p> <p>13] quicker ways to get around out here and all that stuff.</p> <p>14] Basically, that's about it. I -- I -- knowing marshals and</p> <p>15] Apache Tribe police and all that a lot, I've invited them</p> <p>16] to sit on my property a lot and try to catch speeders. I</p> <p>17] cannot leave my property without getting T-boned on a daily</p> <p>18] basis even though there's almost enough room to pull out</p> <p>19] without getting hit. The speed limit's only 35 miles an</p> <p>20] hour, yet people are doing 70. It's easy to tell.</p> <p>21] And I'm just worried about Middle Verde Road</p> <p>22] getting ruined with more tourism. And like I said, we have</p> <p>23] enough people running up and down here by accident looking</p> <p>24] for places to go and all that stuff.</p> <p>25] Basically that's about it. It's just going</p>
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<p>1] Verde Valley.</p> <p>2] I've been here for a few years now and</p> <p>3] remember when bridges were nonexistent over the Verde. And</p> <p>4] I also remember the pushback on Beaverhead Flat Road and</p> <p>5] they talked about paving it and I've been in Cornville for</p> <p>6] many years. And I remember the upper over the Mingsus</p> <p>7] Avenue Bridge. So I feel this is something that's needed.</p> <p>8] Thank you again for all your hard work and the opportunity</p> <p>9] to formalize this comment.</p> <p>10] JIM WILKINSON: Jim Wilkinson, P.O. Box 2024</p> <p>11] Camp Verde, Arizona, 86322.</p> <p>12] My comment is I have a small branch on Little</p> <p>13] Verde Road. I'm pretty much semiretired. I do a lot of</p> <p>14] towing for local outfits around here. I've been here about</p> <p>15] 20 years. And about the last five years, Middle Verde has</p> <p>16] really gotten busy. And basically Middle Verde is the road</p> <p>17] from I-17 westbound that has turned basically into a</p> <p>18] racetrack.</p> <p>19] We've got a lot more people living out</p> <p>20] towards the end of Middle Verde, and I get a lot of time to</p> <p>21] watch the traffic. I've had several people drive off the</p> <p>22] road. Been drinking and stuff like that and wrecked on my</p> <p>23] property. I had one lady try to commit suicide. That's</p> <p>24] what she told me when I went out there and picked her up</p> <p>25] out of her Jeep.</p>	<p>1] to make it way too busy for us out here. I wish there was</p> <p>2] a way to connect Cornville Road to 260 without involving</p> <p>3] Middle Verde Road. That's basically what I got to say.</p> <p>4] (Public comments end.)</p> <p>5]</p> <p>6]</p> <p>7]</p> <p>8]</p> <p>9]</p> <p>10]</p> <p>11]</p> <p>12]</p> <p>13]</p> <p>14]</p> <p>15]</p> <p>16]</p> <p>17]</p> <p>18]</p> <p>19]</p> <p>20]</p> <p>21]</p> <p>22]</p> <p>23]</p> <p>24]</p> <p>25]</p>

CERTIFICATE OF CERTIFIED STENOGRAPHIC REPORTER

BE IT KNOWN that the foregoing proceedings were taken before me; that the foregoing pages are a full, true, and accurate record of the proceedings, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

☒ Review and signature not required.

Dated at Phoenix, Arizona, this 25th day of May, 2020.

_____/S/Danielle C. Griffin
DANIELLE C. GRIFFIN, RPR
Certified Stenographic Reporter
Arizona CR No. 50926

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Tonto (5) 3:5,7,9,13,17	wish (1) 8:1	70 (1) 7:20 727 (1) 5:4		
took (1) 5:23	within (1) 3:24			
tourism (1) 7:22	without (3) 7:17,19;8:2			
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towards (2) 3:4;6:20	work (1) 6:8	86322 (1) 6:11 86325 (1) 5:5 87120 (1) 3:22		
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Valley (2) 3:14;6:1	20 (1) 6:15 2018 (1) 4:1 2024 (1)			
vehicles (1) 5:17				

May 20, 2020

Verde Connect Project
C/O Central Creative LLC
24 W Camelback Road, #A-479
Phoenix, AZ 85013

Dear Verde Connect Project Team:

Thank you for the opportunity to comment on the Verde Connect Draft Environmental Assessment. Friends of the Verde River (Friends) is a 501(c)(3) organization based in Cottonwood, Arizona that works collaboratively to restore habitat, sustain flows, and promote community stewardship to support a healthy Verde River system. We have worked with partners in the Verde River watershed since 2011 to remove invasive plants and restore riparian habitat. We work with the Verde Watershed Restoration Coalition (VWRC), a partnership of over 25 federal, state, tribal, and local agencies and organizations and over 250 private landowners. In addition, we work with recreational boating businesses and community members to support and promote river-related recreation.

The Verde River is one of few remaining perennial rivers in Arizona and provides habitat for many resident and migratory wildlife species, including several listed species. According to Sandra Postel of the Global Water Policy Project, “more than 60 percent of the vertebrate animals of the American Southwest are “riparian obligates,” meaning they can survive only in the gallery forests of cottonwoods, willows, and mesquite sustained by healthy rivers. Three-quarters of bird species that breed in the Southwest depend on those riverside corridors.”

The Draft Environmental Assessment determined the proposed action “may affect, and is likely to adversely affect” the endangered southwestern willow flycatcher, threatened western yellow-billed cuckoo, and threatened northern Mexican gartersnake. All of these species are highly dependent on a healthy riparian corridor. The Draft Environmental Assessment also concluded the proposed action “may affect, and is likely to adversely affect” flycatcher designated critical habitat, and proposed critical habitat for the cuckoo and northern Mexican gartersnake.

Proposed mitigation measures to reduce effects on these species and their habitats will likely minimize project impacts. However, we recommend additional habitat mitigation measures, including restoring sensitive riparian habitat within and near the project area, to further offset these impacts. Restoration of additional riparian habitat would offset losses from the Verde Connect project. Friends would be happy to assist in identifying suitable sites and work on implementing habitat mitigation with the project team.

Floating the Verde River is a popular recreational activity throughout much of the year. Project information should be posted at upstream river access points to inform boaters of potential risks due to construction activities. When construction is occurring on the bridge span over the river, additional personnel should be posted at river access points and upstream of the bridge to warn boaters. Construction should be staged and timed to minimize impacts of riparian dependent wildlife and people recreating on the river.

Thank you for the opportunity to comment on the Draft Environmental Assessment for the Verde Connect project. If you have any questions, please contact Tracy Stephens, Manager, Habitat Restoration, at tracys@verderiver.org or call our office at (928) 641-6013.

Sincerely,

Nancy L.C. Steele, D. Env.
Executive Director

From: Shelton, Nancy
Sent: Wednesday, April 15, 2020 1:15 PM
To: Bushey, Sabra
Subject: verdeDISconnect Petitions

From: administrator <admin@verdedisconnect.com>
Sent: Wednesday, April 15, 2020 1:13 PM
To: Roger McCormick (roger.mccormick@yavapai.us) <Roger.McCormick@yavapai.us>
Cc: mcassadore@yan-tribe.org; Petty, Karla (FHWA) <Karla.Petty@dot.gov>; Dan Cherry (dan.cherry@yavapai.us) <Dan.Cherry@yavapai.us>; Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>; Sieglitz, Troy <Troy.Sieglitz@jacobs.com>; Shelton, Nancy <Nancy.Shelton@jacobs.com>; Charles German <Charles.German@campverde.az.gov>; Butner Joe <Joe.Butner@campverde.az.gov>; Jenkins Dee <Dee.Jenkins@campverde.az.gov>; jessie.murdock@campverde.az.gov; Martin Russ <Russ.Martin@campverde.az.gov>; bill.lebeau@campverde.az.gov; robin.whatley@campverde.az.gov; buck.buchanan@campverde.az.gov
Subject: [EXTERNAL] verdeDISconnect Petitions

For your records, please find attached 924 petitions opposing the project known as Verde Connect. Over 150 Middle Verde petitions provide proof that the neighborhood opposes the project. 20 petitions signed by shareholders of the OK Ditch - Middle Verde's historic, mutual ditch company, irrigating 600+ acres of Middle Verde rural and agricultural land - account for 75% of Middle Verde's irrigated landowner shares. The remaining 750+ signatures are proof that citizens from not only Camp Verde but also the Yavapai Apache Nation, the Verde Valley, the County and visitors from across the nation oppose the project.

- We remain steadfast in our belief that:
1. This project would add an additional 4,000+ cars/day to Middle Verde Rd - a rural collector neither designed for nor capable of carrying such traffic safely.
 2. The County has made no concessions or plans for Middle Verde Rd safety improvements between the proposed connection and I-17, e.g., suitable connection points *BEFORE* the neighborhood begins, road widening, shoulders, flood control or proper traffic calming for a small, rural neighborhood.
 3. The cost of the proposed project would far exceed the County's transportation budget and would result in increased taxes for all Yavapai County residents.
 4. According to the project's own traffic studies, the project would not significantly improve the County's most congested and dangerous roads.
 5. The project would negatively impact the Coconino National Forest's Land Plan, the Verde River's riparian corridor and endangered and threatened plants and animals.
 6. The project stands in contradiction to the Town of Camp Verde's General Plan to preserve Middle Verde as a rural and agricultural neighborhood, and the Town Council stands in unanimous opposition.

At a time when we are being told to stay home because our homes are the safest place to be, it is both ironic and wrong that the project continues to be promoted and that our neighborhood is forced to take time away from more important work to defend our safety and the peace and solace of our homes during a national pandemic.

We remain dedicated to a NO BUILD decision; however, we also remain open to discussing solutions that could mutually benefit all concerned.

Thank you for including these petitions in in your NEPA assessment.

We wish you Continued Health,

verdeDISconnect and the Verde Valley NO BUILD Alliance

PS- Should anyone not receive the (large) file of petitions, they can also be found here: https://www.dropbox.com/s/9tlb9im2qh0gahc/petition_signatures_150420%20copy.pdf?dl=0

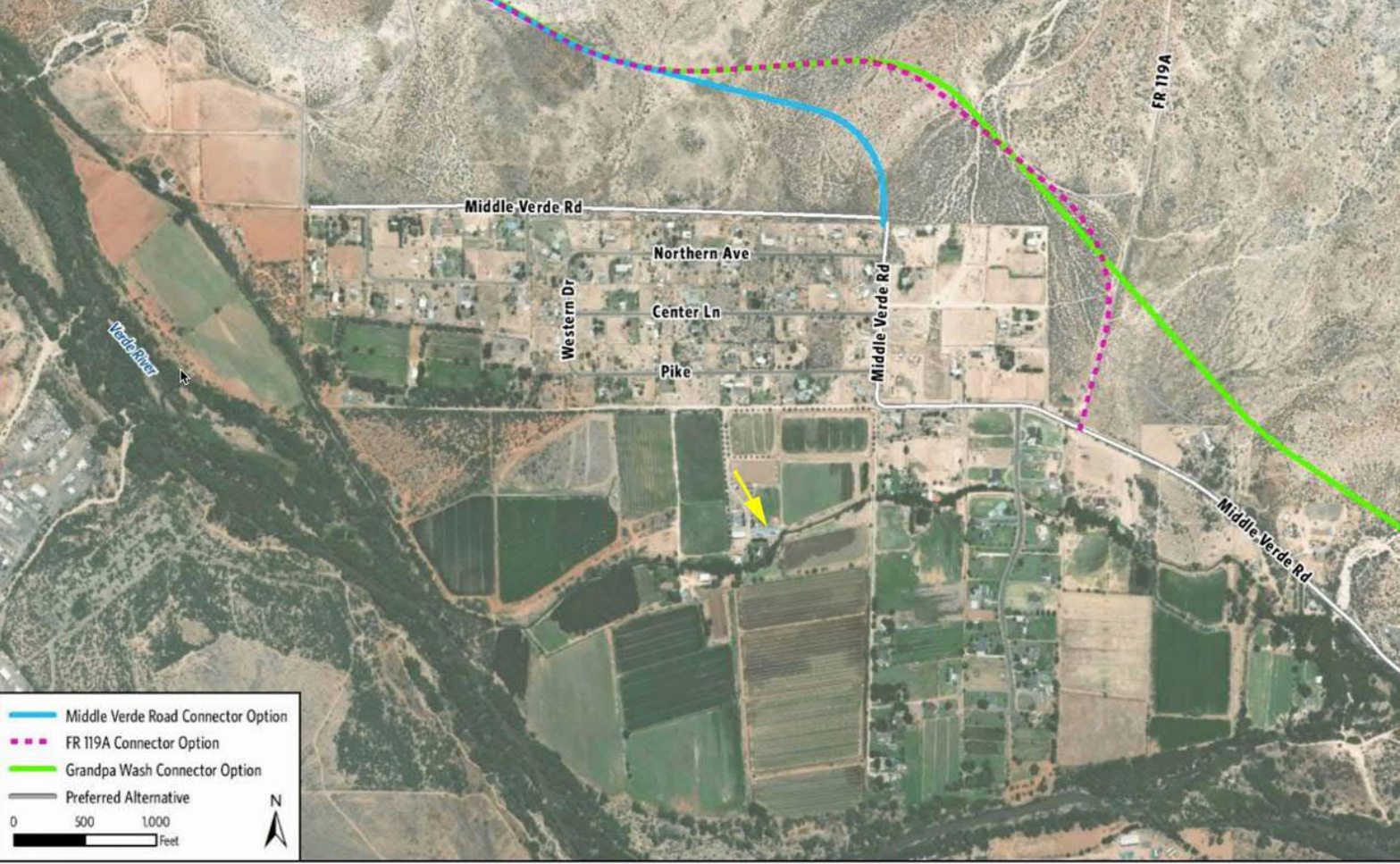
From: Ernie Strauch <erniestrauch@mac.com>
Sent: Friday, May 22, 2020 10:33 PM
To: VerdeConnectComments
Subject: [EXTERNAL] Opposition to "Verde Connect" Project

Gentlepersons,

I oppose the acceptance and expenditure of the FHWA grant of \$25 million for a number of reasons enumerated below:

However, first, let me give you my perspective. I am a former Vice-Mayor of the City of Sedona. I was the lead person on the City's side for a 10 year process with ADOT to develop the Highway 179 re-construction into the All-America Road that it is. I was the primary promoter of the roundabout solutions.

I live just below the Chapel of the Holy Cross in Sedona, and my wife and I have been boarding our 2 horses at Nashwa Farms (the corner of Middle Verde Rd. and Mahoney Rd. (see the yellow arrow pointed at the barn below) for several years. As such, we drive between our home and Nashwa, down Middle Verde Rd. several times a week. We ride our horses on FR 119A and the current trail that begins where the blue line joins Middle Verde Rd. Your Preferred Alternative would reduce our round-trip time by between 16 to 20 minutes, so one would expect that we would be in favor of such a direct route. NOT SO!



My primary opposition is based upon a true lack of need that the EA readily indicates from page 8 below. Comparing the existing traffic to 25 years into the future, and doing nothing, does not change any condition that would be effected by this project. The only changes to traffic conditions are on Cornville Rd. as it approaches 89A near Cottonwood. In fact, if the Verde Connect were completed, the traffic on this segment would only be increased and detrimentally impacted as a stated purpose of the project.

The EA states on page 6: "The region's Verde Valley Master Transportation Plan 2040 estimates that the population in the study area will grow by 39 percent between 2016-2040. With corridors already experiencing congestion, this projected population growth will increase delays on portions of the existing local roadways and adversely affect the level of service". There are two things wrong with this statement. 1). It was made prior to the effects and impact of the CoVid-19 virus impact and long-term results to business enterprises, and 2). Nothing about the project assists in decreasing "delays on portions of existing local roadways". In fact, this project just impacts the "local roadways" to an even greater extent! It is the stated intent of this project to add traffic to **Middle Verde Rd.** It is the stated intent of the project to add traffic to **Cornville Rd.** It is the stated intent of the project to add traffic to **Beaverhead Flat Rd.** and thence on to **SR 179.** Nowhere in the planning for this project is there any suggestion for how the added traffic will be accommodated or at what cost for obviously needed roadway improvements and traffic control measures on these "**local roadways**".

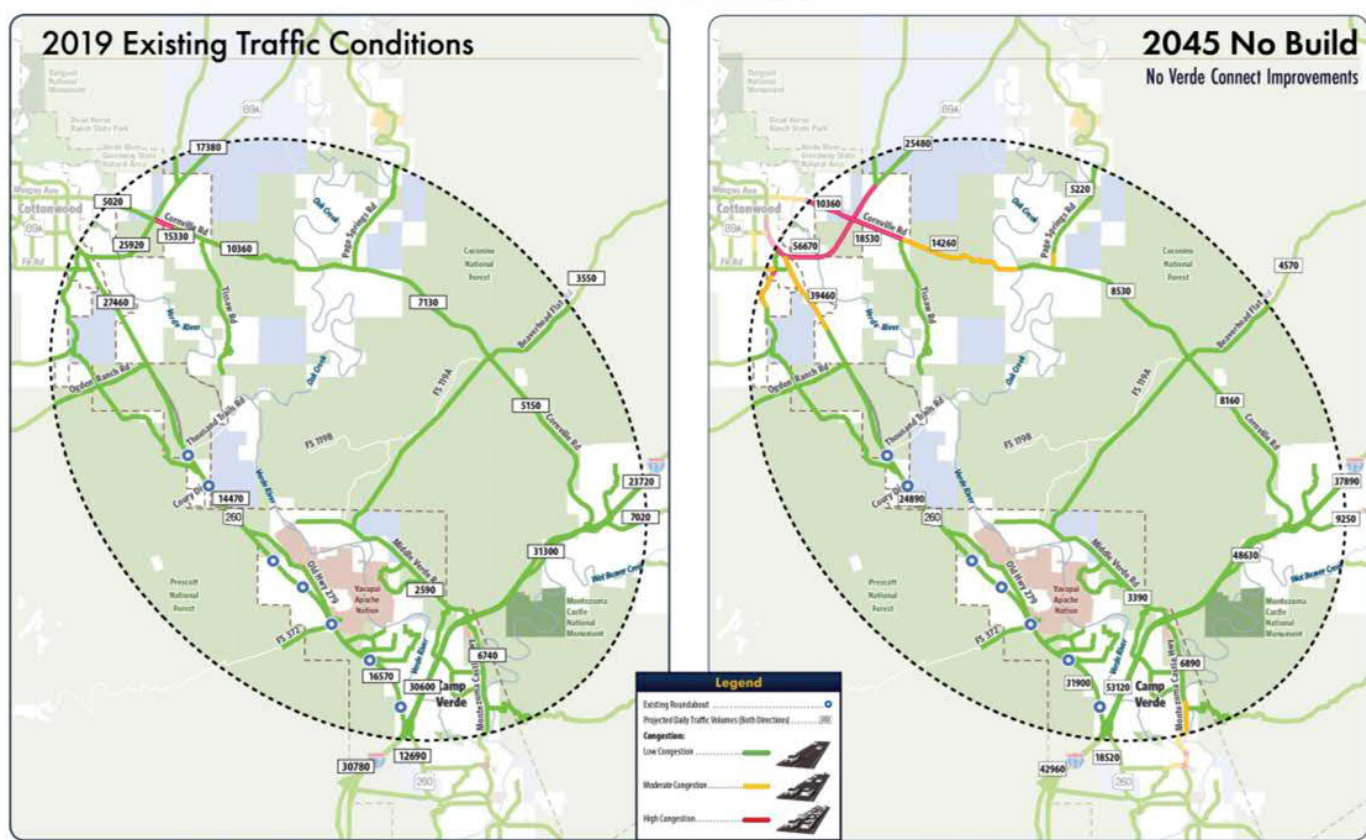
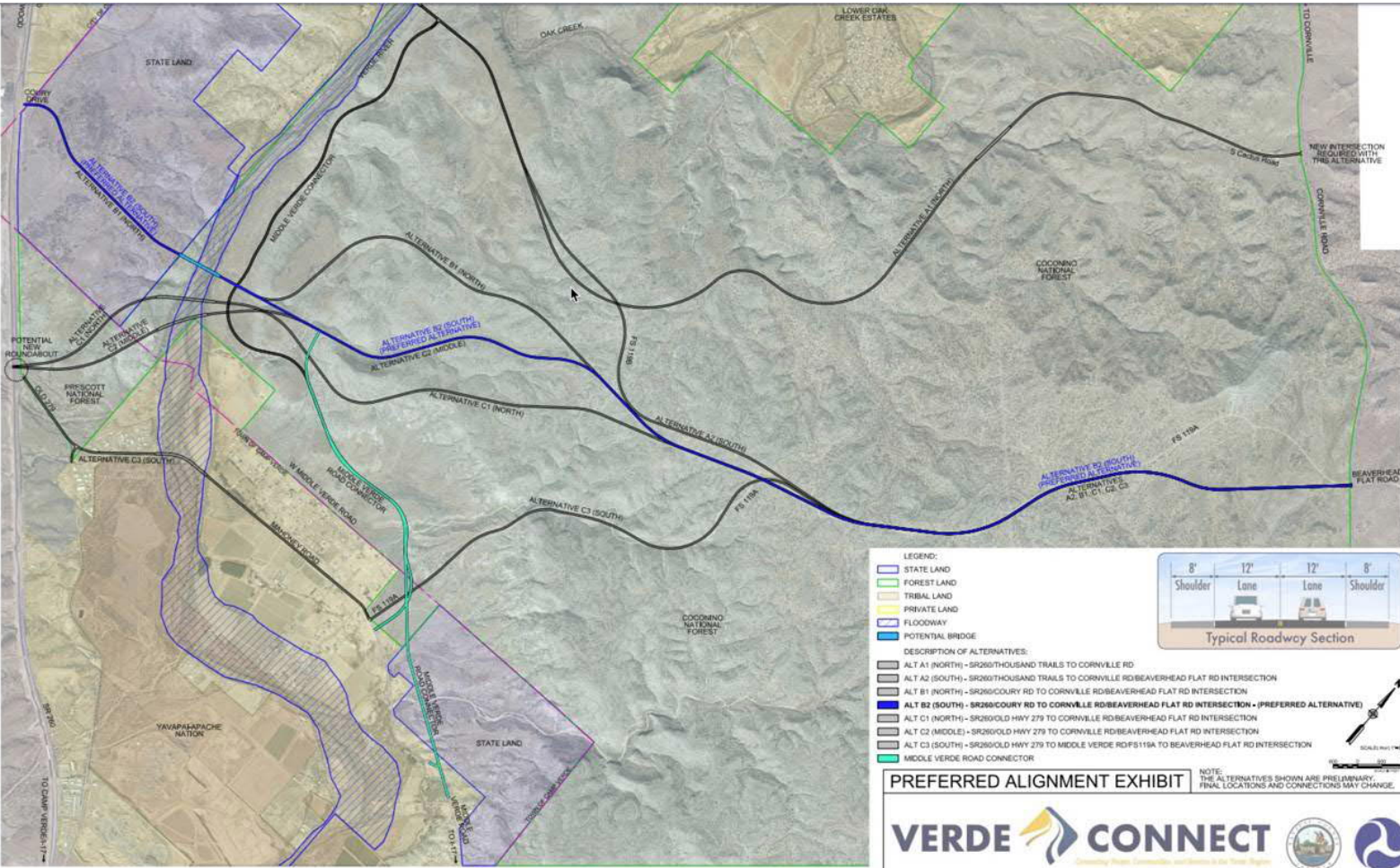


Figure 4. Congestion and Vehicles Per Day within the Study Area

This is, in truth, a project in search of a need, a "bridge to nowhere" a vastly underfunded project for which Yavapai County has no reasonable means to complete funding. Let's consider the true costs. The Bridge itself has been estimated by Yavapai County in a Sedona City Council meeting to cost \$22 million, leaving \$3 million to construct a connection through currently unowned State Land to Coury Rd. at SR260, at which point there is no intersection control. So, the "paid-for" segment doesn't get you to Middle Verde Rd. In order to do that, (besides purchasing the State Trust Land) the County must raise \$10 million to complete Phase One that only then connects to Middle Verde Rd. and a very limited population. Further, since I drive Middle Verde Rd. several times a week, it has NO SHOULDERS, narrow lanes and curves that exceed maximum safe radius. The improvement of this road to accept any significant new traffic has NOT been included in ANY BUDGET!



On page 5 of the EA it states:

"In December 2018, Yavapai County was awarded a \$25 million Better Utilizing Investments to Leverage Development (BUILD) grant to assist with the construction

of a 1.7-mile roadway and bridge to connect the Nation and Town of Camp Verde to SR 260. As part of the requirements to obtain the BUILD funding, Yavapai County must complete the NEPA document for fund obligation by July 2020".

It is thus clear, that the \$25 million grant is a "teaser" amount. It buys the County absolutely NO SOLUTIONS to anything without a substantial additional investment. The County's budget has been severely impacted with no visibility as to when and under what reduced resource conditions it may be forced to operate for an unknown future.

On Page 38 of the EA it states:

*"In December 2018, Yavapai County was awarded a grant for \$25 million for the Verde Connect project as described in the BUILD Grant application. The NEPA process is scheduled to conclude in the summer of 2020. Assuming the Build Alternative is selected, final design would occur from 2020-2021, and construction of Phase I of the project would start in 2021 and be complete prior to August 2025. **Phase II would be constructed as a continuation of Phase I if funding is available. If funding is not available, Phase II would be postponed until funding can be allocated."***

As one reads through the EA, it appears obvious that virtually all rationale for the entire Verde Valley is **predicated upon completion of BOTH Phase 1 and Phase 2**, because that is the only way the reason for adding alternative emergency routes makes any practical sense. If Phase 2 does not occur due to either economic, political or social changes over time, this project becomes a "White Elephant" and a terrible waste of taxpayer money.

Also on Page 38:

*"The estimated cost of the project would be approximately **\$35 million for Phase I and approximately \$20 million for Phase II**. The BUILD Grant would provide \$25.0 million towards Phase I of the project. New ROW would be purchased from ASLD and new ROW easement would be needed from both the Prescott and the Coconino NFs. This project is included in the NACOG TIP."*

In conclusion, and recapping the costs to Yavapai County, we have a minimum of \$30 million (assuming no cost over-runs - unlikely) in today's dollars (also unlikely - because costs for concrete, asphalt, rebar and structural steel have far outpaced the general inflation index by significant amounts over the last 20 years). One must assume additional costs to acquire the State Trust Land, and must we assume no cost to acquire needed rights of way? The 7-8 miles of Middle Verde Road needing widening, drainage improvements, and shoulders will add another \$5 million at a minimum. Then we get to Cornville Rd., the super-narrow bridge crossing the Verde River and the switchbacks just past the Mercantile. All that will need to be addressed if you drive additional traffic beyond population increases down Cornville Rd. If the County got away with a total expenditure of \$50 million on top of the \$25 million grant, it could consider itself lucky.

Overall, I believe the costs to be paid by individual residents of Yavapai County, who I strongly believe agree with me (tax increase calculation?) far outweigh the benefits that may or may not ever be realized.

Ernie Strauch

148 Cathedral Lane, Sedona, AZ 86336

Hm: 928.282.6666^{11 SEP} Cell: 928.300.2307

Email: erniestrauch@mac.com

From: Shelton, Nancy
Sent: Tuesday, May 26, 2020 8:13 AM
To: Bushey, Sabra
Subject: FW: NO to Verde Connect

I am still working through the 100s of emails in my inbox so not sure if this came to us as well.

Thanks,
Nancy Shelton
602.530.1612

From: Grover-Bullington, Lenore - FS <lenore.grover-bullington@usda.gov>
Sent: Tuesday, May 26, 2020 8:06 AM
To: Hurrell, Kevin - FS <Kevin.Hurrell@usda.gov>; Welker, Chris L -FS <chris.welker@usda.gov>; Shelton, Nancy <Nancy.Shelton@jacobs.com>
Subject: [EXTERNAL] FW: NO to Verde Connect

A comment on the Verde Connect project...



Lenore Grover-
Bullington, MS
Public Services
Staff Officer

Forest Service
Prescott Natl Forest,
Supervisor's Office

p: 928-777-2230
[lenore.grover-](mailto:lenore.grover-bullington@usda.gov)
bullington@usda.gov

735 N Hwy 89
Chino Valley , AZ 86323
www.fs.fed.us

Caring for the land
and serving people

From: Codie Moore <codiemoore1@gmail.com>
Sent: Sunday, May 24, 2020 12:38 PM
To: becca.yedlin@dot.gov; Roth, Bridget -FS <bridget.roth@usda.gov>; Raitanen, Eric -FS <eric.raitanen@usda.gov>; meek.clifton@epa.gov; robert_lehman@fws.gov; jesse.m.rice@usace.army.mil; roger.mccormick@yavapai.us; Grover-Bullington, Lenore - FS <lenore.grover-bullington@usda.gov>
Subject: NO to Verde Connect

To Whom it May Concern,

I am writing this email to express my opposition to the Verde Connect Project for the following reasons.

The BUILD grant received by Yavapai County was awarded because it would connect the Yavapai Apache Nation’s (YAN) Tunli and Middle Verde housing areas and provide economic opportunities for “the disadvantaged” residents of Middle Verde. To date, the YAN will not allow the county to use any tribal property for road construction, over 150 Middle Verde residents and 550 residents of Yavapai County have signed petitions in opposition to this road, and the Town of Camp Verde Council, Beaver Creek Community Association and Jerome Town Council have voted unanimously to support a *NO BUILD* Alternative.

Since this project’s inception, the Yavapai County Supervisors have not done their jobs. They did not talk to stakeholders before the grant application was submitted, and they are not listening to them now. Thinly disguised as a “transportation project,” it simply promotes development of the Highway 260 commercial corridor, while opening up agricultural and possibly Forest Service and State lands to private development. The project’s Transportation Study and the 2016 ADOT Master Transportation Plan show that this project provides little to no traffic relief and is not needed if simpler, less invasive, less costly *but* more effective transportation needs are met.

Although the BUILD grant would cover part of the bridge project, it will not cover the cost of connecting Middle Verde Road to Hwy 260, or the ultimate connection of Cornville Rd to Hwy 260. Yavapai County has not provided an estimate of what it might cost to build 7 miles of *steep incline* road from Cornville Rd across the Chalk Hills through Middle Verde and on to 260, and the County has also not addressed the increased risk – both traffic and fire – that would be created. Yavapai County taxpayers and residents will be paying for this project for many years to come.

Yavapai County’s BUILD grant application anticipates this project will add 4,500 cars a day to residential and rural Middle Verde Rd – a road that has always been a dead end. The agricultural and rural character of Middle Verde should be protected, as mandated by the Town of Camp Verde’s General Plan for the Middle Verde Character Area. Not only Middle Verde but the River are in danger. A bridge and road across Middle Verde would endanger the rare Cottonwood/ Gooding’s Willow riparian habitat with 16 types of endangered, sensitive and candidate species. The project would also cut across the Chalk Hills and its artifacts and fragile, desert plants, depriving us of even more Coconino Forest Service land. The residents of Middle Verde, along with the plants and animals of Middle Verde, and the citizens of Yavapai County will be paying for this project for many, MANY years to come.

Sincerely;
Codie Moore

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From: Shannon Garrels <shannonwolfe.az@gmail.com>
Sent: Monday, May 25, 2020 3:56 PM
To: VerdeConnectComments
Subject: [EXTERNAL] The incomplete Verde Connect Draft EA

I support the No Build option until a complete study on how the environment, antiquities, archaeological sites, Verde River Riparian area, and the Middle Verde neighborhood are assessed in their entirety.

What Verde Connect has compiled in the past 20 months and presented to the public is an incomplete study. Verde Connect continues to ask for public response without giving a complete set of facts. This seems to have become the standard operating procedure for this project. For example, after numerous Public Scoping opportunities, after being over twenty months into this project, and being a mere two and a half months from Randy Garrison's projected August ground breaking on this project, Verde Connect still does not have a definitive route to present to the public for the Middle Verde Connector – the Phase One portion of the road that the entire \$25 Million Dollar Build Grant is dependent upon. Quite literally, the entire Verde Connect project hinges upon the one portion of the road project that was least studied, and there is no plan for. Verde Connect is requesting public comment on a project that does not have a set route to present in regards to the Middle Verde Connector, has no monetary amount announced for the cost of Phase One or Phase Two of the project, and has no announced plan as to how Yavapai County will pay for this road. How can you request public response to an incomplete project analysis?

For example, in regards to Phase One of Verde Connect, the Middle Verde Connector Road and how it will impact the ONLY residential neighborhood to be directly affected:

The impact to the Middle Verde Neighborhood is not mentioned until page 151, under section 4.18.1, and then only briefly. "4.18.4 Conclusion: Public health and safety may be adversely affected by short-term, localized noise, dust, or traffic delays. These impacts are expected to be minor and would cease upon completion of the project. Once constructed, the Verde Connect project would have a lasting beneficial effect on local communities and the public by adding another crossing of the Verde River, providing better access and connectivity, and reducing emergency response times" (P.151).

This is a blatantly false statement, as there is no plan to improve Middle Verde Road, a narrow and winding two lane road with no fog line. A rural agricultural community road with current approximation of 600 cars per day traveling it, no plans for upgrades or improvements to Middle Verde Road through the Verde Connect project, the Build Grant application states there will be an increase in traffic to 4,500 cars per day on Middle Verde Road, so I predict the Middle Verde Road rural agricultural community will MOST CERTAINLY have lasting long term negative impacts. Verde Connect projects "minor impacts" to a neighborhood where people walk their dogs, children ride their bikes, and horses from numerous local barns are ridden down the side of a road with NO OUTSIDE LINE because the road is not wide enough to have one? I wonder how much a life costs to the Verde Connect Team. Clearly not much, as they didn't take the time to study the neighborhood their Middle Verde Connector would be affecting the most, and clearly stated jeopardizing the lives of the local community are "minor impacts". I read that as "collateral damage". I translate this as "sorry about your loss Mrs. Wedidntcareenoughtocomplete the study, and even though the Middle Verde residents attended our first scoping meeting and brought up concerns about kids riding bikes, and people walking dogs, and horses being ridden along a road that would carry 4,500 cars per day, in the past 20 months we were planning this project, we just never got around to looking into that".

The next time Middle Verde Road is mentioned is in section 4.19.5, page 155. "The Build Alternative would also result in an increase in traffic and noise on Middle Verde Road. The additional traffic would contribute to additional degradation of the existing Middle Verde Road over time". Seriously? I don't need to be a road analyst to know that changing the usage from 600 to 4,500 cars per day would contribute to additional degradation of the road.

That is the extent of mentions of the Middle Verde neighborhood that will be directly affected by the Middle Verde Connector Road. One paragraph on one page, and two lines on another. How, exactly, is that an Environmental Assessment?

The Draft Environmental Assessment study is incomplete. There was no more forethought or detail put into how the Verde River, the Verde River Riparian area, the Coconino National Forest, the Prescott National Forest, the Historic OK Ditch, the archaeology sites, or numerous endangered plants and animals will be affected by the entirety of the Verde Connect and Middle Verde Connector Road than there was to how the MOST IMPORTANT part of the road that the entire \$25 Million Dollar Grant hinges upon, and how it will impact the only neighborhood directly affected by this project.

No Build Option until a full study is completed, at which time I reserve the right to assess your documentation and then decide if I would like to change the way I would vote for this project.

Dear Supervisors,

I am writing in opposition to the Verde Connect Project Federal No.: YYV-0(209) Z; Yavapai County No.: 1722601.

A list of itemized reasons for my opposition is as follows:

1. Route will lead more traffic to congestion point at Cornville Rd. and 89A
2. Adds traffic to Middle Verde Rd., Cornville Rd., Beaverhead Flat Rd., SR 179; plan provides no solutions and no funding for these local roads to be able to accommodate increased traffic
3. Funding from grant insufficient to complete project and address secondary needs; taxpayers left with greater burden; majority in impacted communities see project as unnecessary and do not want to pay increased taxes for little to no benefit
4. Middle Verde Rd. needs safety improvements to accommodate more traffic; no funding included for this
5. Purported benefits rely on completion of Phase 2; completion of Phase 2 subject to many volatile and uncertain factors that are yet undeterminable; investment in Phase 1 can be too easily rendered useless

There are many, many more fact-based and logical reasons predicated on planning documents of communities across the Verde Valley to not move this project forward. However, the most recent COVID-19 pandemic is perhaps the essential and most personally accountable rationale of your decision today. There is no responsible governance model that could support a decision to burden our Verde Valley residents during an economic crisis not experienced since the Great Depression with this ill-conceived, misrepresented, unsupported and inappropriate request. Our residents will be burdened with upwards of one hundred million dollars in debt and subsequent increased taxes. This is unthinkable in a time of national, state, and local health and economic crisis.

I urge you to either vote no or suspend this decision for a later, more appropriate time.

Respectfully,

Donna Michaels
60 Apple Creek Ln
Village of Oak Creek

Dear Supervisors and To Whom It May Concern at VerdeConnect.com,

I am writing in opposition to the Verde Connect Project
Federal No.: YYV-0(209) Z; Yavapai County No.: 1722601

A list of itemized reasons for my opposition is as follows:

1. Route will lead more traffic to congestion point at Cornville Rd. and 89A
2. Adds traffic to Middle Verde Rd., Cornville Rd., Beaverhead Flat Rd., SR 179; plan provides no solutions and no funding for these local roads to be able to accommodate increased traffic
3. Funding from grant insufficient to complete project and address secondary needs; taxpayers left with greater burden; majority in impacted communities see project as unnecessary and do not want to pay increased taxes for little to no benefit
4. Middle Verde Rd. needs safety improvements to accommodate more traffic; no funding included for this
5. Purported benefits rely on completion of Phase 2; completion of Phase 2 subject to many volatile and uncertain factors that are yet undeterminable; investment in Phase 1 can be too easily rendered useless

Please vote no on this project.

Respectfully,

Jackie Ellis
60 Apple Creek Ln

Village of Oak Creek

Rice, Jesse M CIV USARMY CESPL (USA)

From: Janette Corbin <jcorbin4@cox.net>
Sent: Sunday, May 17, 2020 2:04 PM
To: Rice, Jesse M CIV USARMY CESPL (USA)
Subject: [Non-DoD Source] Comment on Verde Connect YYV-0(209)Z

Importance: High

Dear Army Corp,

This letter is public comment on the following:

Public Notice/Application No.: SPL-2019-00226

Project: Verde Connect YYV-0(209)Z

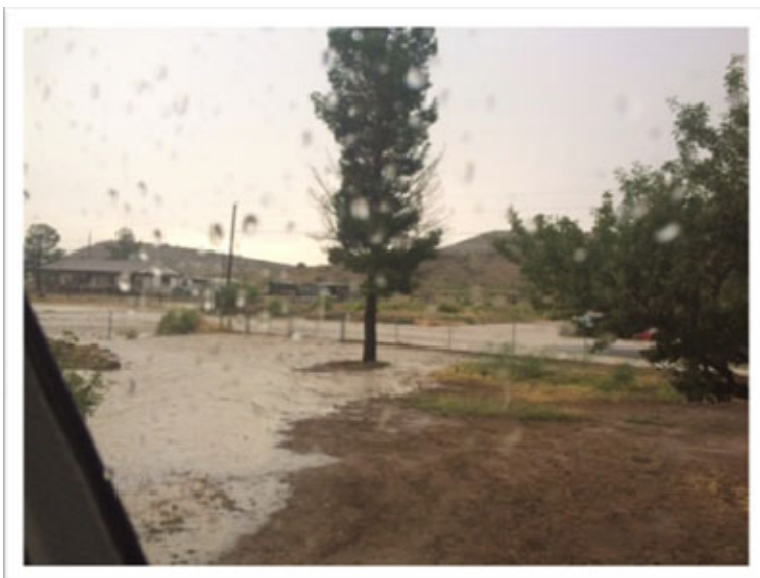
Comment Period: April 24, 2020 through May 25, 2020

Project Manager: Jesse Rice; (602) 230-6854; Jesse.M.Rice@usace.army.mil

My name is Janette Corbin and I am writing on behalf of myself and my husband Rod who bought this place back in 2013 with plans of retiring up here and making this our last home. We removed a old mobile, brought in another one, remodeled it and added a back deck and an addition, put in raised beds for gardens and got to know our neighbors. It is a great area, with a nice rural feel, small town mentality where people help each other and play together. Being born and raised in Alaska, it felt like the perfect place – nice long spring, summer, fall; just the right amount of winter, off road activities right out the front door (FS 119A) and limited traffic due to the dead end nature of the road.

Our dream that we worked for since 1987 here in Arizona has the potential of being destroyed by building a bridge and road that will destroy this area, our way of life, the Verde River, the unique plants and animals, the artifacts, hieroglyphics, and other historical treasures.

Let's talk about the washes and what really happens here on Middle Verde road and the property off the road. When the washes run, it's a big deal – for all of us! When grandpa wash flows across the MV road, it is a raging river. When that happens, there are multiple other places that are also flooding. I have some pictures for you of the unnamed wash that runs across the dirt portion of MV road through a vacant property on Northern, across the road and into our yard then on to the property to the south of us on Center St, across through 2 properties off Pike St and on to Mahoney and then to the Verde River.



This picture is looking north west from our house at 3745 West Northern Ave. in Overlook Acres.



Notice the diversion on the north side of the greenhouse to divert the water around it. Right on the other side of the greenhouse is our property line. The house you see is the neighbors and the wash is actually on their property. **This shows exactly what the road looks like several times a year where they plan to run 4,500 cars per day.**



This is just south of the greenhouse looking across (west) to the neighbor's property. **Can you imagine driving 4,500 cars per day through this?**



These last 2 pictures show the southwest corner of our property and the property to the south of us flooded with the flowing water. Notice the concrete blocks being used to divert the water back to the wash and to slow it down as it comes to the block wall on the south side of our property.

Bottom line, these pictures are what happens **without culverts**, can you imagine what will happen if all this water is routed into a culvert and comes out with more force and a lot more depth? I don't even want to think about it! Some time ago, we watched them put a culvert in on the dirt MV road for this wash and thought, this can't be good! We were trying to figure out what was the best way to get this removed when they came back and removed it, thankfully. It's our understanding that our **County Supervisor Tom Thurman was instrumental in getting the culvert removed!**

The washes are manageable only because there are **no culverts!** Culverts will not only destroy the property but will alter the Verde River and not in a good way. The flooding brings an enormous amount of silt, mud, dirt and debris. We can't stress enough the damage this can do, especially when concentrated through a culvert.

And, what about our well water? All of us have our own wells, and if this road goes in, we are terrified that we will lose that with no alternative in sight. Hauling water is not what we had in mind when we bought this property. In fact, having a well with good water was and is the #1 requirement for living anywhere!

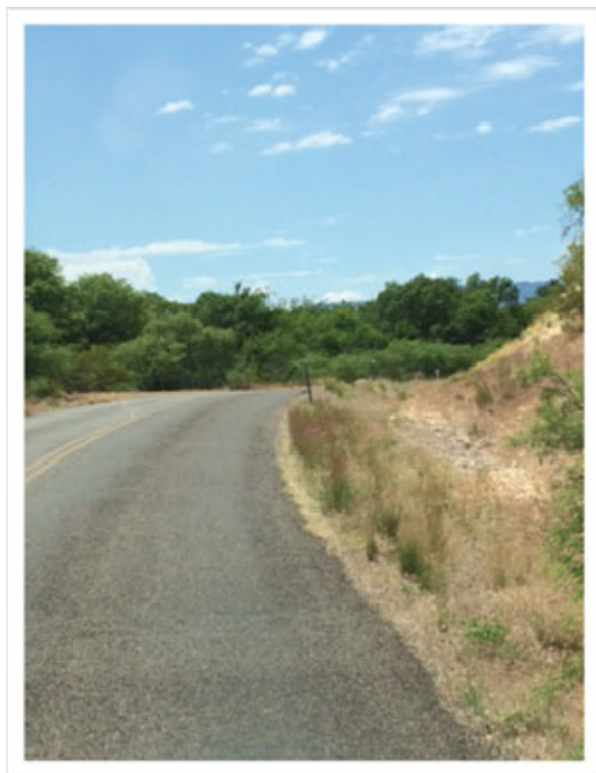
Building this road will have an extremely detrimental effect on the wildlife in this area as well. Coming down from the White Hills to the river is a necessity for the wildlife. Being cut off from the river will most likely result in many dying from lack of water or at least driving them to migrate elsewhere. Either way, it should not happen. Do you know that in some places where large amounts of wildlife are cut off from their migratory paths, in order to build a road (freeway), the solution resulted in building a wildlife overpass, at great expense. My point is that they should not even be considering a road that will adversely affect the wildlife without looking at ways to mitigate the damages. It increasingly looks like they don't care

about anything except spending the grant money (along with a lot more of our tax dollars) no matter who or what gets sacrificed along the way!

Finally, we would like you to take a look at the road they intend to dump 4000+ cars a day on, Middle Verde road is hardly a “major road”, in fact it barely can be classified as a country road or a local road. It has no shoulders, barely wide enough for cars, blind corners with hidden drives, no lines or markings in places. I took the following pictures so you can see what I mean.



These 2 pictures show blind drives on a hill (left picture) – there are actually 3 driveways there, and those on Middle Verde Road or coming to/from the properties cannot see each other! It's really is a thrill every time we visit! The picture on the right is the last turn before Grandpa's wash going west, not quite as blind since the driveway is elevated, nevertheless quite challenging!



Look real close on this one on the left side at the corner...that's a driveway and it goes immediately downhill and you can't see any traffic coming pulling in or out, so you have to roll down your window and listen and then go like your pants are on fire!

The Middle Verde Road is worse than any road I have been on, and that's saying a lot! Remember, I was born and raised in Alaska and you would think that the roads down here would be better than Alaska's, but sadly no. Most of the Alaska roads have ample ditches (which we utilized for walking, riding horses, snow machining, etc) and they came in handy in the winter time when you never knew when you would need a place to land off the road due to ice or moose on the road!

I'll stop with the pictures; I think you get the idea. This is not a road for lots of traffic like they are planning. The possibilities for accidents are only limited by the imagination. And, let me point out that more traffic also adds more of a chance of accidental fires! We all know the danger out here and we do our best to keep the threat from becoming a reality and keep our eyes open for the first sign of smoke. The more traffic, the greater the threat of fire, accidents, and thefts.

Please, you have to see this road is a **really, really bad idea!** We are asking you to please **do everything in your power to veto this road!**

Thank you for your consideration and for asking for our input!

Janette & Rod Corbin
3745 W. Northern Ave.
Camp Verde, AZ 86322

Jcorbin4@cox.net
602-618-9012 cell

Rice, Jesse M CIV USARMY CESPL (USA)

From: marlams285@gmail.com
Sent: Thursday, May 21, 2020 7:22 PM
To: Rice, Jesse M CIV USARMY CESPL (USA)
Subject: [Non-DoD Source] Public Notice/Application No.: SPL-2019-00226

This letter is public comment on the following:

Public Notice/Application No.: SPL-2019-00226 Project: Verde Connect YYV-0(209)Z Comment Period: April 24, 2020 through May 25, 2020 Project Manager: Jesse Rice; (602) 230-6854;

Please choose the no-build option.

Thank you,

Sincerely,

Marla Mott-Smith

801-231-5793

marlams285@gmail.com

Rice, Jesse M CIV USARMY CESPL (USA)

From: Debbie Folchert <lildebbrowning@gmail.com>
Sent: Friday, May 22, 2020 8:45 AM
To: Rice, Jesse M CIV USARMY CESPL (USA)
Subject: [Non-DoD Source] No Build

Please No Build!

Middle Verde area major road.

Save the Middle Verde Facebook member.

Debbie Folchert

1470 E REAY RD

Rimrock, AZ 86335

928-301-6460

I have trouble with the confluence of Beaver Creek and Dry Beaver Creek with tractors and floods. It is document with the company you work for. The Middle Verde project would impact residents terribly.

Thank you for your time.

Be safe and healthy. :)

Sent from my iPhone

Rice, Jesse M CIV USARMY CESPL (USA)

From: Eric Moore <etobinmoore@gmail.com>
Sent: Sunday, May 24, 2020 12:31 PM
To: rebecca.yedlin@dot.gov; broth@fs.fed.us; igroverbullington@fs.fed.us;
eric.raitanen@usda.gov; meek.clifton@epa.gov; robert_lehman@fws.gov; Rice, Jesse M
CIV USARMY CESPL (USA); roger.mccormick@yavapai.us
Cc: Codie Moore; Melina Moore
Subject: [Non-DoD Source] Verde Connect project

To Whom it May Concern,

I am writing this email to express my opposition to the Verde Connect Project for the following reasons.

The BUILD grant received by Yavapai County was awarded because it would connect the Yavapai Apache Nation's (YAN) Tunli and Middle Verde housing areas and provide economic opportunities for "the disadvantaged" residents of Middle Verde. To date, the YAN will not allow the county to use any tribal property for road construction, over 150 Middle Verde residents and 550 residents of Yavapai County have signed petitions in opposition to this road, and the Town of Camp Verde Council, Beaver Creek Community Association and Jerome Town Council have voted unanimously to support a NO BUILD Alternative.

Since this project's inception, the Yavapai County Supervisors have not done their jobs. They did not talk to stakeholders before the grant application was submitted, and they are not listening to them now. Thinly disguised as a "transportation project," it simply promotes development of the Highway 260 commercial corridor, while opening up agricultural and possibly Forest Service and State lands to private development. The project's Transportation Study and the 2016 ADOT Master Transportation Plan show that this project provides little to no traffic relief and is not needed if simpler, less invasive, less costly but more effective transportation needs are met.

Although the BUILD grant would cover part of the bridge project, it will not cover the cost of connecting Middle Verde Road to Hwy 260, or the ultimate connection of Cornville Rd to Hwy 260. Yavapai County has not provided an estimate of what it might cost to build 7 miles of steep incline road from Cornville Rd across the Chalk Hills through Middle Verde and on to 260, and the County has also not addressed the increased risk – both traffic and fire – that would be created. Yavapai County taxpayers and residents will be paying for this project for many years to come.

Yavapai County's BUILD grant application anticipates this project will add 4,500 cars a day to residential and rural Middle Verde Rd – a road that has always been a dead end. The agricultural and rural character of Middle Verde should be protected, as mandated by the Town of Camp Verde's General Plan for the Middle Verde Character Area. Not only Middle Verde but the River are in danger. A bridge and road across Middle Verde would endanger the rare Cottonwood/ Gooding's Willow riparian habitat with 16 types of endangered, sensitive and candidate species. The project would also cut across the Chalk Hills and its artifacts and fragile, desert plants, depriving us of even more Coconino Forest Service land. The residents of Middle Verde, along with the plants and animals of Middle Verde, and the citizens of Yavapai County will be paying for this project for many, MANY years to come.

May 23, 2020

To: Yavapai County Supervisors and To Whom It May Concern at
VerdeConnect.com

RE: Opposition to the Verde Connect Project Federal No.: YYV-0(209) Z; Yavapai County No.: 1722601.

Following are my family's reasons for opposing this project:

1. This \$25 Million Grant is completely insufficient to resolve the problems it creates. **The Yavapai County Board of Supervisors will be imposing a crippling financial burden on the residents of Yavapai County and the Verde Valley** of over one hundred million dollars in debt and subsequent increased taxes. And that is just for phase one of this multi-phase project.
2. Adds traffic to Middle Verde Rd., Cornville Rd., Beaverhead Flat Rd., SR 179; plan provides no solutions and no funding for these local roads to be able to accommodate increased traffic
3. Route will lead to more traffic and accidents at the congestion point of Cornville Rd. and 89A.
4. Funding from grant insufficient to complete this project and address secondary needs; taxpayers left with greater burden; majority in impacted communities see project as unnecessary and do not want to pay increased taxes for little to no benefit
5. Middle Verde Rd. needs safety improvements to accommodate more traffic; no funding included for this
6. Purported benefits rely on completion of Phase 2; completion of Phase 2 subject to many volatile and uncertain factors that are yet

undeterminable; investment in Phase 1 can too easily be rendered useless

7. There are many, many more fact-based and logical reasons predicated on planning documents of communities across the Verde Valley to not move this project forward. However, **the most recent COVID-19 pandemic is perhaps the essential and most personally accountable rationale of your decision today.**
8. There is no responsible governance model that could support a decision to burden our Verde Valley residents during an economic crisis not experienced since the Great Depression with this ill-conceived, misrepresented, unsupported and inappropriate request. **Our residents will be burdened with upwards of one hundred million dollars in debt and subsequent increased taxes. This is unthinkable in a time of national, state, and local health and economic crisis.**

We urge you to **vote no** and do not approve this project.

Respectfully,

Mary Morris & Scott Kummerfeldt
100 Solo De Paso Lane
Sedona, AZ 86351

Cheryl (Cheri Wischmeyer

May 24, 2020

Verde Connect Project
Care of Central Creative LLC
24 W. Camelback Rd. #A-479
Phoenix, AZ 85013

Sent VIA E-Mail

RE: Comments on the Verde Connect Draft Environmental Assessment
Federal No: YYV-0(209)Z; Yavapai County No.: 1722601

To Whom It May Concern:

I am writing this letter to voice my concerns relating to the "EA" or "DEA" document that has been shared for public comment. There are so many concerns, that I am not sure that I will cover all of them in my letter, but will try to cover the main concerns relating to safety and transparency.

Safety

First and foremost to me is the safety of the residents who reside on or use the existing Middle Verde Road that is located in Camp Verde Arizona. The Verde Connect Project purports to connect Highway 260 to I-17 via a new bridge and new road that connects to Middle Verde Road. At a future date the project will connect Middle Verde Road to Cornville Road. Verde Connect is basically a bypass road that intends to funnel large amounts of traffic onto a small dead-end local road (Middle Verde Road). In doing so, it places a huge strain on a small local community to maintain a stretch of road of several miles, at a much higher standard, placing a huge burden on the roadway funds that are currently inadequate. In short, Yavapai County plans to build a high quality roadway and connect it to a small two-lane local roadway that is substandard to say the least. They plan to do this without ever acquiring permission from the local municipality that is responsible for the road. This narrow two-lane roadway has hills and curves, no shoulders or sidewalks, a significant number of blind driveways and cannot be used for multi-modal travel safely. Additionally, portions of it are prone to flooding and it is an area that has a low water table which is not conducive to major road improvements. To connect a multi-modal highway to this rural connector roadway is both unsafe and irresponsible. They are placing both Yavapai County and the Town of Camp Verde at risk for future litigation if these unsafe and irresponsible actions take place. See photos in Appendix A

Additionally, Yavapai County Elected Officials have repeatedly, in public meetings with the Town of Camp Verde, stated that they have no intention of assisting in the maintenance of the Middle Verde Roadway of this portion of the project and therefore place not only the citizens of

Camp Verde who reside by and use this roadway, but also those who will be using this roadway as a connector at risk.

Transparency

The County has never worked with the Town of Camp Verde in a positive manner on this project, but has resorted to threats and intimidation – threatening to refuse to provide funding for future projects if Camp Verde refuses to accept this project by voting to support the “No Build” selection. The Town of Camp Verde Town Council, regardless of these threats, voted to support the “No Build” alternative, as did the Town of Jerome. (See Appendix B) There are also several unincorporated communities, who are affected by this project, who have passed “No Build” resolutions or their equivalent. Yavapai County Officials have continued to ignore these communities, publically stating that they simply need to get on board – the project is going to happen. Yavapai County representative have stated repeatedly that the project will be completed, regardless of public opinion and long before the “EA” was completed.

Not only has Yavapai County refused to work with the general public and elected officials of affected communities, they have attempted at every turn to avoid public participation, to the point of refusing access to the original documents until I became involved in early July of 2019. Arizona Public Records Laws are very clear on what are and are not public records and Yavapai County was attempting to circumvent these laws. (See Appendix C)

A key component of this project is to work with the affected areas and the County’s repeated threats and intimidation have avoided this requirement. In Appendix J of the “EA” the County provides you with copies of letters from supporting agencies. One of those documents is a letter from Camp Verde Mayor Charles German. This letter was written without the appropriate authorization of the Town Council. In fact, as previously stated, the Town of Camp Verde is opposed to this project and Camp Verde Council Members were unaware of this letter until months after it was written, when they finally received a copy of the grant application from me. The Yavapai-Apache Nation also wrote a letter of support, but once they saw the grant application, which had been hidden from them, they wrote a follow-up letter stating that the Nation would not allow the roadway to cross Tribal land. In speaking with affected communities, I have found that none of them had seen the actual grant application before the letters of support were written.

The Verde River

The Verde River is a gem that simply stated cannot be damaged. It is an area that provides life and sustenance to a variety of fish, birds, and wildlife. The River holds a place in Native American heritage and is dear to the members of the Yavapai-Apache Nation. Building yet another bridge will potentially upset this sensitive ecosystem unnecessarily.

Cheryl (Cheri Wischmeyer

“The Verde River is one of Arizona's last perennial river systems. An oasis of life and livelihoods, the Verde provides crucial habitat for fish and wildlife, fresh water for local agricultural production, recreational opportunities for locals and tourists alike, and brings clean drinking water to over 2 million people in the greater Phoenix area. At Friends of the Verde River, our mission is to protect and restore this unique riparian treasure.” (Oasis in the Desert: Restoring the Verde River by Friends of the Verde River) (See Appendix D)

Conclusion:

The EA has many weak areas that need further review and public discussion. Additionally, the EA far exceeds the guidance for an EA and therefore, an EIS should be required. The current EA document exceeds 900 pages with appendices, while the CEQ guidance states that “an EA in Excess of 10-15 pages indicates the need for an EIS.”

With the serious safety concerns, concerns for the environment, and lack of transparency, I would ask that Yavapai County be required to conduct a full EIS as well as conduct further public interaction with the affected citizens and communities. To date, the communication with these entities has been nothing short of negligible, threatening and intimidating. Yavapai County would have a difficult time demonstrating public support for this project, especially in the affected Middle Verde area.

Thank you for the opportunity to provide feedback on this critical issue as it affects the environment and safety of Camp Verde and the surrounding communities.

Respectfully,

Cheryl (Cheri) Wischmeyer
P. O. Box 324
Camp Verde, AZ 86322

Cheryl (Cheri Wischmeyer

CC:

Clifton Meek (meek.clifton@epa.gov);

Bob Lehman (robert_lehman@fws.gov);

Laura Jo West (laurajo.west@usda.gov);

Mike Dechter (mike.dechter@usda.gov);

Dee Kephart (dkephart@asgfd.gov);

Camp Verde's Town Council

Charles.German@campverde.az.gov;

Dee.Jenkins@campverde.az.gov;

Joe.Butner@campverde.az.gov;

Bill.lebeau@campverde.az.gov;

Robin.whatley@campverde.az.gov;

Jessie.murdock@campverde.az.gov;

Buck.buchanan@campverde.az.gov;

Russ.martin@campverde.az.gov

Attachments

Appendix A	Middle Verde Area Photos
Appendix B	No Build Documents Town of Camp Verde Town of Jerome
Appendix C	Lack of Transparency Letter from C. Wischmeyer re: Public Records Requests and Yavapai County Interaction
Appendix D	Friends of the Verde River Document

Appendix A

Middle Verde Area Photos







Appendix B

No Build Documents

**TOWN OF CAMP VERDE, ARIZONA
RESOLUTION NO. 2019 - 1028**

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, OPPOSING ANY NEW REGIONAL CONNECTOR (CONNECTING ROAD) THROUGH THE CONFINES OF US 89A, HIGHWAY 179, INTERSTATE 17, AND HIGHWAY 260.

WHEREAS, the Town of Camp Verde passed a General Plan on March 30th, 2016 and the voters approved it on August 30th, 2016 with 62% of the vote in favor, and

WHEREAS, Chapter 9 of the General Plan identifies three of Camp Verde's strongest assets as the Verde River, the Western/rural lifestyle, and open space/scenery, and

WHEREAS, Chapter 5 of the General Plan identified the primary growth area as the 260 Corridor west of I-17 and the I-17/Highway 260 interchange, and secondarily identified 260 east to Finnie Flats Road, and

WHEREAS, Chapter 9 of the General Plan identifies the Middle Verde Cemetery and Trail 119A by Overlook Acres as open space & recreation, and

WHEREAS, Chapter 9 of the General Plan seeks to implement strategies promoting preservation of lands along the Verde River in close proximity to existing neighborhoods, as well as work closely with appropriate agencies and other organizations to protect, enhance and provide access to historic and proposed trails, and

WHEREAS, Chapter 9 of the General Plan seeks to implement strategies to prevent the enclosure of natural environment within town boundaries to maintain wildlife migration patterns, and

WHEREAS, Chapter 3 of the General Plan identifies ten "character areas" including the 260 West Character Area the Middle Verde Character Area, and

WHEREAS, the 260 West Character Area was identified as 2,000 acres with a modern divided highway with the Gateway Entrance Points being the town boundary to the west and the west side of Interstate 17 at the junction of Highway 260, and

WHEREAS, for the 260 West Character Area, and the General Plan includes strategies to encourage commercial growth in the area as the preferred place for new business with Camp Verde, and

WHEREAS, Yavapai County has proposed a new regional connector (connecting road) through the confines of US 89A, Highway 179, Interstate 17, and Highway 260 (aka Verde Connect), and

WHEREAS, for the Middle Verde Character Area, the General Plan includes strategies to maintain the rural residential and agricultural character of the area, to preserve existing densities, and enhance the area through appropriate and compatible public facilities, and

WHEREAS, the Middle Verde Character Area was identified as a mix of rural properties of various densities, with small farms straddling the Verde River that provide food for local business and the valley-wide supported agriculture program.

Cheryl (Cheri Wischmeyer

NOW THEREFORE, be it resolved by the Mayor and Common Council of the Town of Camp Verde as follows:


1. Any new regional connector (connecting road) through the confines of US 89A, Highway 179, Interstate 17, and Highway 260 that is in significant conflict with the adopted General Plan.
2. The Town of Camp Verde formally opposes any such new road, specifically including but not limited to:
 - a. Any bypass of the Highway 260 corridor west of Interstate 17, and
 - b. Any connection that changes W Middle Verde Road from a dead-end winding country road, and
 - c. Connecting Cornville Road to Highway 260.
3. The Town Manager is directed, on behalf of the Mayor and Common Council, to Support the "no build" option for such a road.
4. The Town Manager shall provide any agency proposing such a road with copies of the Town of Camp Verde General Plan and shall further take all action possible to cause said agency to comply with the General Plan.
5. The Town of Camp Verde formally opposes any takings (whether by right-of-way, easement, or otherwise) of private and public property within the Town Limits.
6. The Town of Camp Verde formally opposes any additional taxes, temporary or permanent, to complete this project, as well as opposes any matching funds or any action that will cost the Town of Camp Verde additional expenditures, as well as any reduction in county funds for other project needs in the Town of Camp Verde.

PASSED AND APPROVED by a majority vote of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on this 19th day of June 2019.

APPROVED:


Charles C. German, Mayor Date:

ATTESTED:

 6-24-19
Judy Morgan, CMC, Town Clerk Date:

APPROVED AS TO FORM:


William Sims, Town Attorney



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL
JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS
TUESDAY, MAY 14, 2019, AT 7:00 P.M.

ITEM #1:	<p>CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to call meeting to order.</p> <p>Mayor Alex Barber called the meeting to order at 7:00 p.m.</p> <p>Town Clerk to call and record the roll.</p> <p>Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Barber, Vice Mayor Sage Harvey, and Councilmembers Mandy Worth, Jane Moore and Dr. Jack Dillenberg.</p> <p>Other staff present Charlotte Page, Zoning Administrator; Melanie Atkin, Accounting; and Joni Savage, Deputy Clerk. Fire Chief Rusty Blair arrived later in the meeting, as did Henry MacVittie of Contract Wastewater.</p> <p>Mayor or Mayor's designee to lead the Pledge of Allegiance.</p> <p>Dr. Dillenberg led the pledge.</p>																																																																																				
ITEM #2: 7:01 (1:00)	<p>FINANCIAL REPORTS</p> <p>Budget to Actual reports, vendor ledger and balance sheet for April 2019</p> <p>Motion to Approve the Financial Reports</p> <table><tr><th>COUNCILMEMBER</th><th>MOVED</th><th>SECONDED</th><th>AYE</th><th>NAY</th><th>ABSENT</th><th>ABSTAIN</th></tr><tr><td>BARBER</td><td>X</td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>DILLENBERG</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>HARVEY</td><td></td><td>X</td><td>X</td><td></td><td></td><td></td></tr><tr><td>MOORE</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>WORTH</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr></table>	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER	X		X				DILLENBERG			X				HARVEY		X	X				MOORE			X				WORTH			X																																													
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ITEM #3: 7:02 (1:30)	<p>STAFF AND COUNCIL REPORTS</p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Clerk, Accounting Clerk, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, and Fire Chief, and verbal reports from Council members.</p> <p>Ms. Gallagher reviewed her staff report and members of the Council made comments.</p> <p>Motion to Approve Staff Reports</p> <table><tr><th>COUNCILMEMBER</th><th>MOVED</th><th>SECONDED</th><th>AYE</th><th>NAY</th><th>ABSENT</th><th>ABSTAIN</th></tr><tr><td>BARBER</td><td>X</td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>DILLENBERG</td><td></td><td>X</td><td>X</td><td></td><td></td><td></td></tr><tr><td>HARVEY</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>MOORE</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>WORTH</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr></table>	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER	X		X				DILLENBERG		X	X				HARVEY			X				MOORE			X				WORTH			X																																													
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ITEM #4: 7:11 (11:00)	<p>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</p> <p>Minutes are provided for the information of Council and do not require action.</p> <p>Ms. Page gave updates from her report.</p>																																																																																				
ITEM #5: 7:13 (13:18)	<p>APPROVAL OF MINUTES</p> <p>April 9, 2019 regular meeting open & closed sessions; April 18, 2019 special meeting open & closed sessions; April 25, 2019 special meeting</p> <p>Motion to Split Minutes, April 9 and April 18 Meetings as One and the Minutes of April 25, 2019 as a Separate Question</p> <table><tr><th>COUNCILMEMBER</th><th>MOVED</th><th>SECONDED</th><th>AYE</th><th>NAY</th><th>ABSENT</th><th>ABSTAIN</th></tr><tr><td>BARBER</td><td></td><td>X</td><td>X</td><td></td><td></td><td></td></tr><tr><td>DILLENBERG</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>HARVEY</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>MOORE</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>WORTH</td><td>X</td><td></td><td>X</td><td></td><td></td><td></td></tr></table> <p>Ms. Gallagher noted a small change on the April 9th minutes, page 4, Item 5, regarding comments by Councilmember Moore.</p> <p>Motion to Approve the Regular Meeting Minutes of April 9, 2019</p> <table><tr><th>COUNCILMEMBER</th><th>MOVED</th><th>SECONDED</th><th>AYE</th><th>NAY</th><th>ABSENT</th><th>ABSTAIN</th></tr><tr><td>BARBER</td><td>X</td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>DILLENBERG</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>HARVEY</td><td></td><td>X</td><td>X</td><td></td><td></td><td></td></tr><tr><td>MOORE</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr><tr><td>WORTH</td><td></td><td></td><td>X</td><td></td><td></td><td></td></tr></table>	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER		X	X				DILLENBERG			X				HARVEY			X				MOORE			X				WORTH	X		X				COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER	X		X				DILLENBERG			X				HARVEY		X	X				MOORE			X				WORTH			X			
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Motion to Approve the Closed Session Minutes of April 9, 2019

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	X		X			
DILLENBERG		X	X			
HARVEY			X			
MOORE			X			
WORTH			X			

Motion to Amend Her Motion to Split the Question: Vote on the Regular Session of April 9, the Closed Session of April 9, the Regular Session of April 18, the closed session of April 18 and the Special Meeting of April 25 as Individual Items

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER		X	X			
DILLENBERG			X			
HARVEY			X			
MOORE			X			
WORTH	X		X			

Motion to Approve the Special Meeting Open Minutes of April 18, 2019

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	X		X			
DILLENBERG			X			
HARVEY			X			
MOORE		X	X			
WORTH			X			

Motion to Approve the Closed Session Minutes of April 18, 2019

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	X		X			
DILLENBERG			X			
HARVEY		X	X			
MOORE			X			
WORTH			X			

Motion to Approve the Special Meeting Minutes of April 25, 2019

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	X		X			
DILLENBERG			X			
HARVEY		X	X			
MOORE			X			
WORTH						X

ITEM #6:
7:21 (18:28)

PETITIONS FROM THE PUBLIC

There were no petitions from the public.

ITEM # 7
7:22 (18:35)

PRESENTATIONS

ITEM #7A: VERDE DISCONNECT

Denise Gould of Verde DISConnect will address Council and the public regarding the proposed Verde Connect project. Verde DISConnect is a grassroots group that is opposing the project.

7:22 (18:45) Ms. Gould introduced Todd Scantlebury, who would be giving the presentation.

7:22 (19:00) Mr. Scantlebury spoke. He introduced other members of the group present and not present, and offered a PowerPoint presentation (attached to these minutes). He stated that Jerome is listed in the grant in Appendix E as a city that supports Verde Connect.

Councilmember Moore asked how we went on the record as supporting this. She would like to go on record as not supporting it.

Motion That Jerome is Opposed to the Verde Connect project

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	X		X			
DILLENBERG			X			
HARVEY		X	X			
MOORE			X			
WORTH			X			

Mayor Barber rearranged the schedule and moved to Item #10B, Item#10C and then Item #9A. They are recorded in these minutes, however, in the order originally agendized.

Appendix C

Lack of Transparency

Cheryl (Cheri Wischmeyer)

Date: September 29, 2019

RE: FOIA Request Denial
2018 BUILD grant – “Verde Connect
State Route 260 to Middle Verde Road”
DUNNS Number 074472796000
Awarded to Yavapai County in the Amount of \$25,000,000 on 12/20/2018

To Whom It May Concern:

In early July, I was notified by Eric Eberhard that several individuals had attempted to acquire a copy of the BUILD grant application for the Verde Connect. He advised that they have been told by the County Public Works Department that the County had decided not to release a copy of the grant application. After further inquiries, they were advised that they would be able to review the document at the Yavapai County Public Works Department in Camp Verde or Prescott, but that photographs or copying would not be allowed. They were advised that if they wished, they could take notes, but that the document WOULD NOT be released to the public.

I have extensive knowledge of the Freedom of Information Act, and advised Mr. Eberhard that this was not legal, that all public documents must be available to the public and that the public has the right to acquire copies of any public documents. He then asked if I would be willing to assist the residents of Middle Verde in acquiring the document.

On July 9, 2019 I contacted the Yavapai County Public Works Department and spoke with an individual who advised me that I was more than welcome to come to the offices and review the document, but that no photographs or copies of the document would be allowed. I reminded her that under FOIA they are required to give copies of public documents to any individual requesting them. She advised that this is not a public document. I reminded her that they had used this document to apply for federal grant money and that at that point the document became public. I also advised that once they allowed the public to review the document, this strengthened the public document theory. I again asked for a copy of the document and was denied. At that point I asked for the contact information of her boss. She gave me the name Roger McCormick and a contact telephone number.

I called Mr. McCormick and left a message, asking that he return my call. Mr. McCormick returned my call a short time later. I explained my request to him and he

reiterated what I had been told by the female I had spoken with earlier. I reiterated that these documents are, in fact, public documents. He advised that they are proprietary in nature and therefore did not need to be released. I explained that this document did not meet the criteria for a proprietary document and that even if it had been; it lost the status once they used it to apply for federal funding and opened the document for public review. He stood firm on his stand. He kept advising me that I was welcome to come to the Public Works Departments offices to review the document. I explained to Mr. McCormick that I am disabled and unable to sit for long periods of time. At this point he advised that I was more than welcome to complete a FOIA request form and drop it off at the Public Works Office in Camp Verde. They would then forward it to him and he would have legal review the document. He further stated that he was confident that my request would be denied because they had made the decision to not release the document. He then told me where to find the FOIA form on the County's website and the call ended.

A short time later I completed the FOIA form and took two copies to the Yavapai County Public Works Department in Camp Verde. I met with the lady I had spoken with earlier on the phone and gave her the copies of the FOIA form. I asked if she would forward one to Mr. McCormick and if she would date stamp the other for my records. She advised that she had no date stamp and that she would not acknowledge receipt of the document because that was a legal matter. She then reiterated that I could not have a copy and reminded me she had told me this earlier. I explained that I had spoken with Mr. McCormick and I was simply doing what he had asked me to do. I also explained to her that I am disabled and have a difficult time sitting for extended periods of time in office chairs. She stridently attempted to reach Mr. McCormick by telephone, telling the person on the other end that she needed him called out of his meeting, that no one had told her I was bringing a FOIA from by and she didn't know if she should accept it or not.

I then asked to look at the BUILD grant documents. She gave me the packet of documents and reminded me again that I could not photocopy or take pictures of the document. As I began looking at the document, I immediately noticed that the attachments listed in the grant application were missing. I approached the counter, yet again and asked for the attachments. She took the document and walked out of the room. A short time later a very large gentleman came out of the back offices and approached in an aggressive manner. He waved the document and said that I had already been told I was not getting copies, and that they were not allowing the public to review the attachments. I explained to him that FOIA allows for full review of the document and he became very aggressive, stepping toward me and raising his voice. I then advised him that I was done talking with him and he said "You don't have to be rude." I retorted with "Neither do you." At this point he turned around and started walking

off with the document that I had been reviewing. I called to him and said “I am not finished reviewing that document.” He kept walking and I had to repeat myself twice before he returned the grant application to me.

After reviewing the document I returned home, determined to contact Mr. McCormick by e-mail and advise him of what had happened in the Yavapai County Public Works Office. Before I could complete the document, Mr. McCormick called me and advised that I could have a copy of the grant application. He advised it would be ready the following day. I asked if I could also have the attachments and he advised that I could. I then advised that I wanted the documents in “soft” form. He said that he would provide a hard copy and I could scan it myself. I repeated that I wanted it in soft copy and reminded him that the law allows for me to receive the information in “soft” copy if I so desired. He then agreed to provide the document in “soft” copy.

I received the documents the following day. After reviewing the document, I requested supporting documentation relating to assertions made within the grant. It took several requests to acquire the information. The Yavapai County Public Works Department’s website has only a generic e-mail and it could not handle the FOIA forms. I finally put the request into E-mail form without the County’s FOIA form. I received an acknowledgement from Mr. McCormick that I would need to complete and send the forms. He provided his e-mail address and I made the requests. It took a couple of weeks to acquire this information – some of which was minutes for the Verde Valley Transportation Committee. These minutes were supposed to be housed on their website, but several years that were pertinent to my review were missing. I was advised that they were going to recreate them and place them on the website. This was disconcerting that records that were to be maintained by law were missing and had to be “recreated”. Some of the documents I was requesting were to be provided to me in “soft” copy. I was advised that I could come to the Public Works Office to retrieve a CD. Upon arrival I was given a CD. Once I was home, the CD would not open, and indicated that it was a new, unformatted disc. Once again, I had to follow-up with Mr. McCormick to get this matter resolved and this necessitated a second trip to the county offices.

As you can see, my interactions with Yavapai County in regards to the BUILD grant have not been positive. Their actions led me to believe that they did not want the public to have access to the grant documents until after the grant had been approved without the opportunity for public review and input from other affected stakeholders. Furthermore, upon my review of the grant application documents, I found many statements that were inaccurate and based on faulty premises.

Appendix D

Friends of Verde River

Document

Oasis in the Desert:

Restoring the Verde River

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In the Southwest, water is life, a resource that is too scarce and precious to be taken for granted. The Verde River is that golden thread that connects the many pearls of the Verde Valley, from the cultural monuments to the River Access Points that provide public access for recreational activities, watchable wildlife sites, and camping.

From its headwaters near Paulden to its confluence with the Salt River outside Phoenix, the Verde passes through Cottonwood/Willow Gallery forests, and Mixed-Broadleaf Riparian Forest as it winds down to the Sonoran Desert.

The Verde River is one of Arizona's last perennial river systems. An oasis of life and livelihoods, the Verde provides crucial habitat for fish and wildlife, fresh water for local agricultural production, recreational opportunities for locals and tourists alike, and brings clean drinking water to over 2 million people in the greater Phoenix area. At Friends of the Verde River, our mission is to protect and restore this unique riparian treasure.

The Verde Watershed

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The Verde River, one of Arizona's two federally designated **Wild and Scenic** Rivers, bubbles out of the ground in the Big Chino Wash near Paulden. From there, the it meanders freely through piñon-juniper forests and grasslands and makes its downstream course through the Verde Canyon to meet Sycamore Creek. Here the riparian forests are mostly healthy with upland desert shrub at its edge.



From the headwaters down to the Town of Clarkdale is an area mostly managed by the US Forest Service. Once the river reaches the Verde Valley, you can see the impacts of decades of mining, agriculture, and ranching. The river continues through the Verde Valley, and the communities of Clarkdale, Cottonwood, and Camp Verde, where agriculture, fish and wildlife, and recreational tourism all depend on sustainable flows in the river.

There are three major perennial tributaries (Oak Creek, Beaver Creek and West Clear Creek) that join the Verde River through this reach, adding additional flow. From Camp Verde, the Verde River starts its final decent down into the Sonoran Desert, where Saguaro Cactus overlook the river. This reach contains two Wild and Scenic designations, the first along the Verde River and the second along Fossil Creek, a tributary to the Verde River. The Verde navigates through private, state, tribal and federal lands for over 125 miles before hitting its first major impediment, Horseshoe Dam, then flowing into the Salt River near Phoenix.

The Verde River

Send keyboard focus to media

The Verde River is divided into 3 distinct sections that flow through different landscapes, landowners, ecosystems, and communities:

- Still relatively remote and isolated, the **Upper Verde** is home to thousands of plant and animal species, including nesting Bald Eagles.
- The **Middle Verde** flows through the Verde Valley where it contributes to agricultural production, vineyards, and local communities as a surface water resource.
- The **Lower Verde** is ideal for kayaking and canoeing, especially the 40 mile stretch designated as a Wild and Scenic River.

"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." –The Wilderness Act, 1964



Verde Watershed Restoration Coalition

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The Verde River Watershed encompasses 1.2 million acres of public, private, tribal, and federal lands on 450 miles of stream and river banks along the Verde River and its tributaries. The Verde Watershed Restoration Coalition (VWRC) is a collaborative effort among federal and state agencies, private companies, nonprofit organizations, and landowners to develop and implement riparian restoration for the Verde watershed. VWRC's scope of work describes over 32,000 acres of restoration for the Verde Watershed—an ambitious project area that requires collaboration among a broad range of stakeholders, along with a multi-year approach.

Our work since 2011 has taken on the following goals:

- **Ecological:** Reduce invasive woody and herbaceous plant species through various control methods.
- **Social:** Educate the local community and public about the economic and social value of a healthy river system, the prevention and removal of invasive species, and the services and funding that are available to remove invasive species on their land.
- **Economic:** Give the local community economic incentives and employment opportunities for removing invasive plant species on their own property.
- **Management:** Establish a multi-stakeholder group to accomplish the ecological, social, and economic goals and to monitor the project's success over the long term.

VWRC's goals are challenged by several ecological and anthropogenic stressors — ornamental plants, secondary weed invasion, and bank erosion — that challenge the ability to successfully build a resilient and sustainable ecosystem for the Verde River Watershed over time.

Although the river corridor primarily supports native riparian vegetation, invasive species — particularly saltcedar (*Tamarix spp.*), Russian olive (*Elaeagnus angustifolia*), tree of heaven (*Ailanthus altissima*) and giant reed (*Arundo donax*) — threaten the health and sustainability of these communities. Other invasive plant species persist in the system with the threat of expanding their range; in some cases, there are no known effective control methods for wildland settings. VWRC focuses on managing the most

invasive species through a combination of cultural, mechanical, manual, and chemical treatments.

Partners

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VWRC is a program of Friends of the Verde River (Friends), who began as a Friends group with Arizona State Parks, focusing on the State Natural Area known as the Verde River Greenway. Today Friends works with a much wider variety of partners and landholders throughout the entire Verde Watershed, including the U.S. Forest Service, National Park Service, State and Tribal lands, in addition to local municipalities and private landowners.

"VWRC's aggressive efforts with invasive plant species removal, treatment and monitoring is critical to the overall health of the Verde River. Arizona State Parks recognizes and appreciates the importance of this partnership, without their assistance, funding, and man power to continue the program at its current level would be impossible," Dusty Humphreys, Arizona State Parks

Through the years, large ranches and farms have dominated the Verde River Watershed. Today, the mark of traditional agriculture on the local economy is rivaled by the growing number of homes in the Verde Valley. The effects of land-subdivision throughout the watershed has fragmented riparian areas into a mosaic of smaller private properties along the riparian areas of the Verde River, Oak Creek, Sycamore Creek, Wet Beaver Creek and West Clear Creek. Today there are an estimated 1,700 individual parcels owned by approximately 850 private landowners.

Partnerships with private landowners are essential for effective restoration, monitoring and maintenance within the Verde River Watershed. VWRC's collaborative, partner-driven programs are the recipe for success for a free-flowing Verde River that will benefit our communities for generations to come.

VWRC Partners

- Arizona Game & Fish Department

- Arizona State Forestry
- Arizona State Parks
- Arizona Conservation Corps (AZCC)
- City of Cottonwood
- Coconino National Forest
- Gila Watershed Partnership
- National Park Service
- USDA Natural Resources Conservation Service
- Prescott National Forest
- Prescott College
- Salt River Project
- Tonto National Forest
- Southwest Conservation Corps
- Tamarisk Coalition
- The Nature Conservancy
- The Vetraplex
- The Wildlife Habitat Council
- Town of Camp Verde
- Town of Clarkdale
- US Fish & Wildlife Service
- Verde Natural Resource Conservation District
- Verde Valley Land Preservation
- Verde Canyon Railroad
- Walton Family Foundation
- Yavapai-Apache Nation
- Yavapai County
- Oak Creek Watershed Council
- Verde River Basin Partnership
- USDA Forest Service-Region 3

Field Crews

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At VWRC, we use a boots-on-the-ground approach to accomplish our restoration goals in the Verde River Watershed, hiring from 3 to 5 field crews per year. These crews are contracted through local green job-training resources, including the Arizona Conservation Corps (AZCC) and Vetraplex. Additional support for VWRC field work is

provided by the Yavapai Apache Nation, Yavapai County's Adult Probation Program, and regional volunteer networks.

AZCC operates conservation service programs across Arizona that empower individuals to positively impact their lives, their communities and the environment. AZCC, a program of Conservation Legacy, aims to continue the legacy of the Civilian Conservation Corps of the 1930s by hiring AmeriCorps members for conservation crews. AZCC is focused on connecting youth, young adults and recent era military veterans with conservation service work projects on public lands.

"We worked hard, got a lot done, had tons of fun, and fell in love with the Verde Valley," says Sara Van Marel, former VWRC Field Supervisor of her first season with us.

The Vetraplex began its affiliation with Friends of the Verde River and our VWRC partners in 2012, resulting in sustainable programming for valuable hands-on job skill training and job placement to Veterans living in the Verde Valley. Vetraplex contributes to the local economy by providing Veterans and their families income and career opportunities, as well as impacting our entire community by providing a healthy river for recreation and tourism to flourish. During the past four years, 31 Veterans have been employed and trained for a total of 122,080 hours. VWRC's Conservation Crew training and experience has enabled several Veterans to be hired into permanent full-time positions with the Arizona State Parks, City of Cottonwood and Vetraplex-Vets4Hire.

"It was great to come back to our work on Oak Creek. We could see all that we had accomplished last year and built on that. I'm looking forward to next season." –James Privett, former Vetraplex Crew Leader

5 Years of VWRC: Changing the Landscape of Restoration

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Restoring the health of our Watershed is more than just an environmental effort: it is becoming an economy of scale, too. The economics of restoration consider the financial

and in-kind investments; regional job creation professional training and services surface and groundwater savings value of water quality and habitat as well as the sales of native plant materials.

Time lapse video of our crews removing tamarisk from the middle Verde near Tuzigoot National Monument.

From 2012-2017, VWRC

- Built a coalition of 221 private landowners and 13 public partners,
- Worked on over 2,000 riparian acres on 7,800 acres of public and private lands,
- Restored a total of 39 river miles by treating invasive plant species,
- Created over 100 jobs locally for restoration crews, staff, and consultants through FVRG
- In 2016 alone, VWRC and Friends of the Verde River oversaw 2,150 volunteer hours, for a total in-kind value of \$61,327.18. Together VWRC and Friends have accumulated to over 65,000 hours over five years.



Verde River Headwaters

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The Verde River originates east of Paulden from a series of springs in the remote and rugged upper canyons near Sullivan Dam. Sullivan Lake and the dam were constructed in the mid 1930s to offer recreation and fishing below the confluences of Williamson Valley Wash, Big Chino Wash, and Little Chino Creek. The lake filled with sediment by the early 1940s, and is only a few feet deep today. It is generally recognized as the beginning of the Verde River.



**The Dam at Sullivan Lake,
the headwaters of the Verde River.**

Upper Verde: Perkinsville Ranch

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Perkinsville is named for the Perkins family, who established a cattle ranch here in 1900. In 1912, William A. Clark financed a railroad to service his copper smelter in Clarkdale and mine in Jerome with a station in Perkinsville. The railroad buildings included a depot, water tower, and station master's house. When diesel locomotives eliminated the need for the Perkinsville water stop, it became a ghost town.



The railroad is still used by **Verde Canyon Railroad**, one of our partners, offering daily sight-seeing excursions to the public. The railroad is occasionally used to transport our crews to remote areas of the watershed. Our crews work to restore and maintain both public and private lands near Perkinsville, and all along the scenic Upper Verde.

Middle Verde: Big Spring

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Big Springs is a remarkable oasis in the desert: Hidden just outside of the immediate riparian area of the Verde River in Clarkdale; Big Springs is a series of five springs secluded by legacy Cottonwoods, Sycamores, and many wetland-obligate sedges, grasses, reeds, and other herbaceous plants. Bird songs float through the air in a dense chorus, and there is a peace that can be found there that has always been known by locals.

Native Americans have returned to Big Springs for ages, drinking from clear and fresh waters, foraging native plants, and celebrating the life that thrives under tall trees and between lush reeds. Yavapai Apache Elder, Mr. Vince Randall, shares his story about the sacred waters of Big Springs and the Verde River:

Big Springs is just upstream from Tuzigoot Bridge, and ancient Sinaguan ruins now protected as Tuzigoot National Monument. Big Spring is home to an incredible diversity of plants, insects and birds because of its perennial springs and lush riparian habitat.

VWRC has worked consistently since 2012 to restore this desert oasis; removing invasive plants, and monitoring the health of the ecosystem with the help of partners at The Spring Stewardship Institute.

The Springs are beautiful today, and are a central part of the Native history for the Verde Valley, but for a time, not too long ago, this natural area was used as a dump, then became infested with, dense stands of Salt Cedar (*Tamarix spp.*) and Tree of Heaven (*Ailanthus altissima*).

VWRC field crews began removing invasive plants near Big Springs in 2012. The removal of the Salt Cedar and tree of heaven left a lot of biomass, as woody debris piles were turned to habitat piles and mulched wood for trails. Some areas most affected by the invasive plants were even treated by burning fuel-wood from the slash-piles, which effectively restarted native plant colonies.

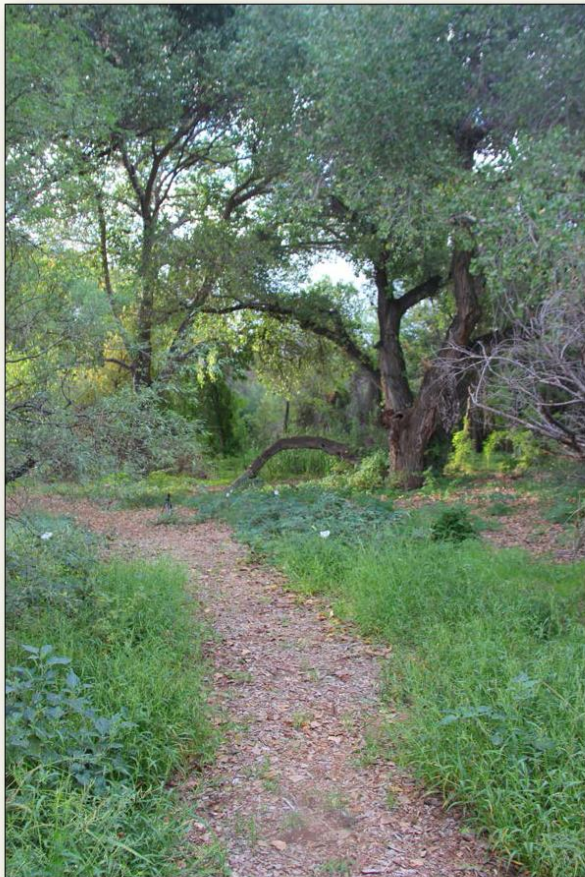
It does indeed “take a village” to do the necessary work of watershed restoration: The effort to clean-up Big Springs included VWRC’s field crews from AZCC and the Vetraplex, Friends of the Verde River Volunteers, Town of Clarkdale, Yavapai County Adult Probation, and Prescott College.



Friends' volunteers continue to work hard to preserve Big Springs Natural Area (now a slated park with Town of Clarkdale) by maintaining the trail system, including the construction of the new Crystal Springs Trail, named by students at Clarkdale-Jerome Elementary and Clarkdale Kids Conserve.



Since 2012, Big Spring has completely transformed from an environment overrun with invasive plant species to a beloved and inviting community trail. This project showcases how important collaboration is to the health and well-being of the Verde Watershed and its communities.



Middle Verde: Dead Horse Ranch State Park

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Shortly downstream from Clarkdale, the Verde River flows through Dead Horse Ranch State Park. Here, ancient historical sites illustrate what life was like for the Sinaguas who lived here over 2,000 years ago. For them, as it does today, the Verde River offered life to the desert Southwest. Deadhorse State Park is 285 total acres, with 3 lagoons that were built for fishing when the ranch was donated to Arizona State Parks in 1977 by Mr. Duane Miller for conservation and recreation.

In this area, the Verde River and its floodplain have experienced many changes over time—once a natural riparian forest, converted to a livestock ranch, and later into a State Park. These changes are evident along the stretch of river through the State Park. The river is incised and shrunk due to a much smaller volume of surface water available after the Verde River's two main irrigation ditches, the Cottonwood and Hickey Ditches. Historical land management including prolonged grazing and an increase of roads helped introduce two of the Verde River's main threats along this middle-reach of the Verde River—**stream-bank erosion** and **invasive plants**—impacting water quality while impairing native plant and wildlife habitat.

"VWRC has been instrumental in irradiating multiple acres of unwanted invasives. The knowledge of VWRC staff and the dedication of the crews has helped improve visitor's experience in the park. VWRC's restoration efforts have also helped native plants reestablish in the park, improving the diversity and health of the river and the entire park," George Christianson, Park Manager, Dead Horse Ranch State Park

To tackle one of the biggest threats to the health of the Verde River at Dead Horse State Park, VWRC's field crews and volunteers sprang into action, providing countless hours digging and pulling-up Tree of Heaven from the riparian area. One of VWRC's first volunteer events ever was held at the State Park, where thousands of trees were removed over the course of a few weeks in 2013. During these initial efforts more than 4,000 sprouts, seedlings and saplings were removed from the riparian corridor, making significant headway in the restoration of the park's beautiful Cottonwood Grove.

Oak Creek: Mormon's Crossing

[Send keyboard focus to media](#)

A few miles south of Cottonwood, the Verde is joined by a major year-round tributary, Oak Creek, which flows off the Mogollon Rim near Flagstaff, and through a dramatic canyon at the heart of Sedona's Red Rock Country.



Removing Giant Reed, which can grow up to 30 feet tall.

VWRC has partnered with a local watershed group, Oak Creek Watershed Council, and the U.S. Forest Service's Coconino National forest to engage Oak Creek residents and visitors alike in restoration activities.

Mormon's Crossing is a historic low-water crossing and popular swimming area along Oak Creek, located in Cornville, AZ. Throughout much of Oak Creek, Giant Reed (*Arundo donax*) is invading the riparian corridor at a rapid rate and with high-density. VWRC and Friends have initiated two community events to educate and train local residents about Giant Reed, and put boots-on-the ground towards its eradication in the Verde River Watershed and Oak Creek. Removal of Giant Reed is very difficult, as it is extremely labor intensive to treat dense patches of the reed by hand, yet this is the most effectively proven regime for its management.

Oak Creek: Page Springs Cellars

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Page Springs Cellars & Vineyards is a family owned vineyard and winery that crafts fine Arizona wines. Overlooking pristine Oak Creek, as it flows towards the Verde River,

Page Springs Cellars & Vineyard offers delicious Rhône style wines, gourmet food selections and breathtaking views.

Eric Glomski is both the owner and winemaker at Page Springs. He sees wine as an expression of landscape, meaning every taste and smell in a bottle represents the land where the grapes were cultivated. He is involved in the Verde River Exchange—a water offset program—and is one of the pilot projects of this program, because he deeply values the Verde River and believes maintaining its health is a community effort.

"In the big picture, the river to me is a gigantic indicator and metaphor for the condition of our landscape and our relationship to it." –Eric Glomski, Page Springs Cellars and Vineyards

The Verde River Exchange (the Exchange) provides a market-driven vehicle for current and potential water users to balance the economics and ecology of water use on the Verde River. The Exchange reduces the amount of water removed from the river and the groundwater system through an offset mechanism involving Sellers and Buyers. Each Water Offset Credit is tracked in the Exchange's internal registry to ensure that the benefits associated with the Credit are attributed only to one unique Buyer.

You can learn more about the Verde River Exchange, and its pilot projects at www.verderiverexchange.org.

Lower Verde: Wild and Scenic River

Send keyboard focus to media

Across the U.S., only a quarter-percent of our rivers are protected under the National Wild & Scenic Rivers System. In Arizona, only two of our desert rivers have this protection, the Lower Verde and Fossil Creek, both within the Verde River Watershed.

"It is hereby declared to be policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that their immediate environments shall be protected for the benefit and enjoyment of present and future generations". -S. 119, 1968.

These values, preserved by the U.S. Congressional designation of a “**Wild & Scenic River,**” provide exceptional opportunities for visitors to connect with the outdoors.

The Lower Verde River Wild & Scenic reach begins at Beasley Flat River Access Point, just outside Camp Verde, AZ. Throughout this 36-mile reach of untrammled river and riparian area, the Verde River supports over 200 bird species, including the largest number of **bald eagle** nesting sites in Arizona; one of the most diverse **native fish** populations in Arizona, including the endangered Razorback Sucker; populations of **river otter** (which to date are found in only three Arizona rivers). **Beavers** are now returning to the Verde and restoring watershed health through dam-building activities. The area also supports large populations of **elk, deer**, and even the occasional large carnivore including bears and mountain lions occur in the higher elevations of the lower portion of the Verde River Watershed.

The Lower Verde is also the birthplace of VWRC and Friends of Verde River Greenway. Many years ago, a group of Forest Service land managers and non-profit organizers were sitting around a campfire on the Lower Verde River talking about the river's health, and the real threats that the Verde Watershed faced with the growing presence of invasive plants in riparian areas throughout the watershed. It was then, at that campfire talk, that a few good river buddies realized that to take on the challenge to protect, preserve, and promote the health of the Verde River, they would need to implement a holistic approach with multi-stakeholder participation. In 2010, they began forming the **Verde Cooperative Invasive Plant Management Plan**, and the **Verde Watershed Restoration Coalition** was founded to spearhead the initiative.

“Around a campfire along the Lower Verde, Chip Norton, Laura Moser and I were trying to figure out the best way to get rid of the invasive Tamarisk in the Wild and Scenic area and realized that the only way to do this was to treat the seed sources upstream from here. Chip was the one who really ran away with the idea and started this coalition that has become Verde Watershed Restoration Coalition. Up to now, VWRC has not done much work in the lower Verde to this point but there are plans to inventory all the invasive and start sending volunteer groups, led by FS and VWRC employees to start boating and treating the fountain grass and arundo. This will be the first step towards restoring the Wild and Scenic reach of the Verde River.”

-Dex Allen, River Ranger, U.S. Forest Service

Letter from the President

Send keyboard focus to media

The President of the Board of Directors, Chip Norton, recaps some of the accomplishments we've achieved in collaboration with our partners over the past year.

Contact Us

Send keyboard focus to media

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<https://twitter.com/verdefriends>

phone: (928) 641-6013



Working Collaboratively for a Healthy Verde River

O.K. DITCH COMPANY

P.O. BOX 3037

CAMP VERDE, AZ 86322

To: Verde Connect Project Team, care of Central Creative, LLC, 24 W. Camelback Road, #A-479, Phoenix, AZ, 85013

From: OK Ditch Co., PO Box 3037, Camp Verde, AZ 86322

Subject: Comments on Draft Environmental Assessment (DEA), Federal No.: YYV-0(209)Z, Yavapai County No.: 1722601

We appreciate the opportunity to respond to, ask questions about, get clarifications and suggest proper mitigation efforts for the proposed project. As background, we note the following excerpts from the DEA, with our comments in **green**:

- Pg X (Yavapai County Responsibilities) “An additional assessment and documentation of the OK Ditch would be undertaken as per the provisions of the project’s Historic Properties Treatment Plan. **“The OK Ditch, established in 1876, is indeed an Historic Property, essential to the irrigation of rural land and farmlands, and protected not only by its historic and cultural heritage but also under the Town of Camp Verde’s General Plan. As stated in the Town’s June 2019 resolution (No. 2019-1028 6/24/19): “... for the Middle Verde Character Area, the General Plan includes strategies to maintain the rural residential and agricultural character of the area, to preserve existing densities... as a mix of rural properties of various densities, with small farms straddling the Verde River that provide food for local business and the valley-wide supported agriculture program.”**”
- Pg XIV (Contractor’s Responsibilities) “All vehicles and equipment would only cross the flowing Verde River and OK Ditch using a temporary bridge or other temporary structure during all construction activities; no vehicles or equipment would enter the active channel.” **The proposed bridge appears to cross the OK Ditch directly over what is known as the “third spillway.” Spillways are used to manage flow, drain, clean and otherwise maintain the OK Ditch and there are 4-spillways located in or immediately adjacent to the Coconino National Forest. The Ditch runs year-round, and several times each year, using traditional easement dirt roads through private properties and the Coconino National Forest dirt roads, OK Ditch shareholder “volunteers” access the Coconino National Forest section of the Ditch to rebuild and maintain the OK Ditch.**
- Pg 77, (Section 4.7.2 Affected Environment, Cultural Resources Identified within the Survey Area) Site Number: AR-03-04-01-02207 (OK Ditch); Description: In-use historic irrigation ditch; NRHP Eligibility: Determined eligible, Criterion A; Unevaluated, Criteria B, C, and D **Although the OK Ditch is certainly historic, it is also essential as a utility for Middle Verde property irrigation. We do not understand these eligibility designations listed above nor the relevance they might have when considering impacts to the OK Ditch. We request your explanation of the effects these designations could have on the operation of the OK Ditch.**
- Pg 78 (Agency Coordination) “FHWA further requested concurrence with a finding of “no adverse effect” for the OK Ditch and provided notification of a *de minimis* finding for the OK Ditch under Section 4(f) of the Department of Transportation Act of 1966.” And pg 81 (Build Alternative) “AR-03-04-01-02207/OK Ditch was determined eligible for inclusion in the NRHP under Criterion A for its association with early irrigation systems in the Verde Valley. The site’s NRHP eligibility under Criteria B, C, and D could not be adequately assessed based

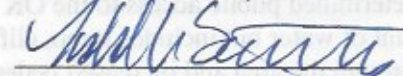
on currently available information, and therefore remains unevaluated under those criteria. AR-03-04-01-02207/OK Ditch would be spanned by a bridge across the Verde River; however, it would not be directly impacted by construction. The bridge would diminish the integrity of setting and feeling of the OK Ditch within the APE but would not adversely affect the existing aspects of integrity of the canal as a whole.” And pg 82, Section 4.7.5 (Conclusion) “HWA determined that a finding of “no adverse effect” is appropriate for the OK Ditch.” **ANY change in water flow, temporary or permanent, whether due to construction, new runoff/ drainage or any other impact requiring work/ effort on the part of the OK Ditch to repair the Ditch or adjust flows could be detrimental and potentially costly to the shareholders of the OK Ditch.**

- Pg 88 (The OK Ditch) “The Build Alternative will span the ditch, but the introduction of the bridge would diminish the integrity of setting and feeling in the area of potential effect resulting in a direct use. However, while it will affect this small portion of the ditch, it would not adversely affect the integrity of the canal as a whole. As part of this project, an additional assessment and documentation of the ditch will be undertaken as per the provisions of the project’s HPTP. **While additional assessments are welcome by the OK Ditch Company, the officers and shareholders of the OK Ditch need to know now what impacts the project might have on the Ditch, so as to plan (and corresponding address any potential costs) for any work might need to take place to guarantee historic and current (i.e., No Build) flows of the OK Ditch. Compared with the No Build option, the project sponsor and FHWA should be responsible for any new costs the project could create for the OK Ditch.**- A *de minimis* impact finding for the OK Ditch would be appropriate because the *de minimis* criteria are met:
 - The proposed improvements would diminish the integrity of the setting and feeling of the immediate area of the proposed bridge but would not adversely affect the integrity for the canal as a whole. SHPO concurred with a no adverse effect finding. The proposed project would not adversely affect the features or attributes that qualify it for protection under Section 4(f).
 - This use of the Section 4(f) resource is included in the Environmental Assessment (EA). The EA will be available for a 30-day review/comment period and a public hearing will be held during the public comment period.
 - A letter that provides notification of FHWA’s *de minimis* impact determination was sent to the SHPO on 12/10/2019. The SHPO concurred with the finding on 12/13/2019 and no objections were raised. Concurrence with the letter acknowledges the agreement that the use of the ditch for the Verde Connect road would not adversely affect the activities, features, or attributes qualifying the resource for protection under Section 4(f).” **While we respect that the SHPO was consulted, the officers of the OK Ditch were not, so they expect a full and detailed explanation of what effects the project could have on the OK Ditch, as specified in the following bullet point.**
- Pg 114, (Section 4.12.2, Environmental Consequences, Build Alternative) “The OK Ditch would be spanned by the bridge crossing the Verde River and would not be directly impacted by construction of the roadway or bridge.” And pg 11 (Section 4.12.4, Conclusion) “The structure of and service from the OK Ditch would not be affected.” And pg 112 (Section 4.14.2) “Extended temporary impacts would occur within the ordinary high-water mark of the Verde River, OK Ditch, and one unnamed ephemeral water during construction of the bridge crossing for construction access and maneuvering.” And pg 123 (Estimated Impacts to Waters) Drainage: OK Ditch; Permanent Impacts (acres): 0.000; Extended Temporary Impacts (acres): 0.015; Temporary Impacts (acres): 0.000.” **The following points should be addressed and attested to by the project sponsor (Yavapai County) and FHWA:**

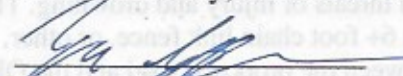
1. The project would create no interruption or change in OK Ditch flow or in the ability of the OK Ditch Company to deliver irrigation waters to its shareholders.
2. The project would preserve and protect the OK Ditch Company's historic easements and accesses to the OK Ditch, without interruption, starting at parcel 403-24-002 and extending upstream through the Coconino National Forest to the OK Ditch dam, including all current dirt roads the OK Ditch Company uses to access spillways and the OK Ditch.
3. The bridge span would allow for the ingress and egress of the traditional equipment the OK Ditch Company uses to maintain, repair and rebuild the Ditch, e.g., trucks, excavators and bulldozers. Today the OK Ditch Company's access for equipment includes all sections and both sides of the Ditch throughout the Coconino National Forest. In order to reach the OK Ditch for repair and maintenance, OK Ditch workers must have uninterrupted and unimpeded access to the entire length of the OK Ditch. This access should be protected and insured throughout the proposed construction and after the proposed completion of the project.
4. New or increased runoff created by the project should not affect OK Ditch flow and, where it could affect flow, the effect should be mitigated by diverting, improving and/ or creating new overshoots. The project should not create new maintenance issues for the OK Ditch Company.
5. A suitable public access deterrent, e.g., a 6+ foot chain link fence or other deterrents agreed to by the OK Ditch Company and the project sponsor, should be installed wherever public access to the OK Ditch could be increased by the project. The currently limited, private property and dirt, Forest Service road access to the OK Ditch has prevented all but the most determined public access to the OK Ditch. The OK Ditch not only carries a significant amount of water but includes steep, cliffed segments that would, in the event of a new road through the area and increased pedestrian and 4-wheel access, present new and increased liabilities of injury and drowning. Public safety and health must be considered.
6. A hands-on "tour" and discussion of the proposed project site with a project representative capable of representing and influencing the project, e.g., Dan Cherry. The OK Ditch Company expects that before an EA/ EIS could be issued and the project begun that a capable project representative with authority to speak for and affect the project would walk with the OK Ditch officers through the proposed project bridge site and any other potential areas of concern (e.g., drainage and runoff areas and dirt road access to the OK Ditch and its spillways). If mitigation efforts are required, the project representative and OK Ditch officers should agree to proper mitigation efforts in writing.



Robert Kovacovich, President



Todd Scantlebury, Vice President



Zach Wolfe, Secretary/ Treasurer

5-15-2020

Date

5/15/20

Date

5-15-2020

Date

LETTER SENT TO PROJECT PRINCIPALS: FEB 22, 2020

To: Verde Connect Project Principals (see listing at the end of this letter)

From: OK Ditch Co., PO Box 3037, Camp Verde, AZ 86322

Subject: "Verde Connect – State Route 260 to Middle Verde Road" (DUNNS Number 074472796000)

The historic OK Ditch, established 1876, delivers irrigation water to over 100 shareholders on over 600 acres of irrigated land. The point of its diversion from the Verde River is a dam within SW1/4;NW1/4;Section 28 (near Thousand Trails RV Park), from whence it flows along and North of the River through the Coconino National Forest to the 1st irrigated, shareholder property 403-24-002N, and then through private properties South of Middle Verde Rd to its outflow in Verde River Estates.

The "Verde Connect" project, should it proceed as planned, would open up previously remote and little traveled Forest Service land surrounding the Ditch. It would also cross the OK Ditch, making it, in essence, an "attractive nuisance." The planned route and proposed construction raise three major areas of concern: Access, Flooding and Safety. These concerns must be considered and addressed as follows:

Access:

- In order to reach the OK Ditch for repair and maintenance, historic easement must be preserved, without interruption, starting at parcels 403-24-002 and extending through the Coconino National Forest to the OK Ditch dam, including all current dirt road accesses to OK Ditch spillways.
- Any bridging of the Verde River should include the OK Ditch, providing uninterrupted access, transportation and clearance for equipment, including large excavators. Culvert or other limited access bridging of the OK Ditch would not be acceptable.

Flooding/ Runoff

- Current washes that would otherwise flood the Ditch are carried over the Ditch by concrete overshoots. These washes and overshoots must not be overwhelmed by new runoff or diversion created by the proposed Project.
- Any new runoff created that could flood the Ditch at new points not currently protected by overshoots would need new overshoots or other protections guaranteeing no new maintenance issues for and an uninterrupted flow of the OK Ditch.

Safety

- As stated above, the currently limited, private property and rough, 4-wheel only, dirt, Forest Service roads penetrating the OK Ditch segment within the Coconino National Forest have prevented all but the most determined public access to the OK Ditch. The Ditch not only carries a significant amount of water but includes steep, cliffed segments that would, in the event of a new road through the area and increased pedestrian and 4-wheel access, present new and increased threats of injury and drowning. Therefore, should the Project proceed as planned, a 6+ foot chain link fence, or other, suitable access deterrent, would have to be installed between the proposed road and the OK Ditch.

Please acknowledge receipt of this letter and also assurance that the above concerns will be addressed in the planning of the proposed Project, e.g., as part of the NEPA Assessment.

Sincerely,

Robert Kovacovich, President

Todd Scantlebury, Vice President

Zach Wolfe, Secretary/ Treasurer

Rebecca Yedlin - Federal Highways Administration Environmental Coordinator(Rebecca.Yedlin@dot.gov); Ed Stillings - Federal Highways Administration, Senior Transportation Planner (Ed.Stillings@dot.gov); Alan Hansen - Federal Highways Administration, Team Leader – PEARC (Alan.Hansen@dot.gov); Thomas Deitering - Federal Highways Administration, Project Delivery Team Leader (Thomas.Deitering@dot.gov); Karla Petty - Federal Highway Administration, Arizona Division Administrator (Karla.Petty@dot.gov); Howard Hill - Federal Highways Administration, Transportation Analyst and BUILD Grant Contact (BUILDgrants@dot.gov); Bridget Roth - US Forest Service, Coconino, Public Services Staff Officer (broth@fs.fed.us); Lenore Grover - US Forest Service, Prescott, Public Services; Staff Officer (lgroverbullington@fs.fed.us); Eric Raitanen - US Forest Service, Prescott, Acting; Natural Resources Program Manager (eric.raitanen@usda.gov); Clifton Meek - US Environmental Protection Agency, Life Scientist (meek.clifton@epa.gov); Bob Lehman - US Fish and Wildlife Service FHWA/ADOT Transportation Liaison (robert_lehman@fws.gov); Jesse Rice - US Army Corp of Engineers Project Manager, Regulatory Division (Jesse.m.rice@usace.army.mil); Roger McCormick - Yavapai County Public Works Assistant Director (Roger.McCormick@yavapai.us); Dan Cherry - Yavapai County Public Works Director PE Public Works Director (Dan.Cherry@yavapai.us); Misael Cabrera - Arizona Department of Environmental Quality, Director (cabrera.misael@azdeq.gov); Frank Milstead, Arizona Department of Public Safety, Director (CBooton@azdps.gov); Cheri Boucher - Arizona Game and Fish Department, Project Evaluation Program Specialist (cboucher@azgfd.gov); David Jacobs - Arizona State Historic Preservation Office, Compliance Specialist (djacobs@azstateparks.gov); Ruben Ojeca - Arizona State Land Department, Section Manager (ROjeda@azland.gov); Town of Camp Verde Mayor, Council & Manager (Charles.German@campverde.az.gov, Dee.Jenkins@campverde.az.gov, Joe.Butner@campverde.az.gov, bill.lebeau@campverde.az.gov, robin.whatley@campverde.az.gov, jessie.murdock@campverde.az.gov, buck.buchanan@campverde.az.gov, russ.martin@campverde.az.gov)

To: Coconino National Forest Supervisor
Re: Verde Connect Proposed Project
May 23, 2020

Dear Supervisor West,

Thank you for the opportunity to comment on this project. My concerns/comments focus on:

- Change in scenic quality and the need for a Forest Plan Amendment.
- Change in ROS and recreation character as a result of 119A turning into a paved high speed highway.
- Requirement that the Forest Service pay for the changes associated with OHV recreation infrastructure, impacted by the project.
- Bike lanes.
- Future unsustainable maintenance liabilities.

The analysis of changes related to scenic quality as a result of the proposed action are incomplete. While there is adequate qualitative description of the anticipated impact and downgrade of areas of High SIO, there is inadequate quantification of the acreage affected. How many acres are affected and to what SIO would they be downgraded to? This information is needed in order to understand the scope of the change to scenic quality. Also, when would a Forest Plan Amendment Process be initiated? Does the fact that an Amendment is required trigger a “significant action” and EIS?

The analysis of the ROS for the project area located between Tissaw Road east to I-17 is inadequate. This area has many characteristics of Semi-primitive Motorized ROS, including low amount of public use, few sights and sounds of human activities, low level of management, natural quiet and so on. This should be revealed and also the fact that this ROS Class is relatively rare overall in Arizona according to the AZ State SCORP. While this part of the project area is designated Roaded Natural ROS, this classification is primarily due to the acreage restrictions for ROS classifications, and not tied to the SPM factors that exist here. These SPM factors are of great value and would be eliminated by the construction of a high speed paved roadway bisecting the area – introducing noise (tire wear), visual effects, pollution, and increased visitation and management. This impact should be disclosed more accurately. These very same Semi-Primitive characteristics were lost when the Beaverhead Flat Road was constructed, bisecting a similarly SP area. Now, with this project, we would lose another area containing a SP recreation environment.

The State of Arizona OHV Fund recently funded the construction of the Singletrack Trail within this area. This area is known for its low level of use and semi-primitive character near Oak Creek and the Verde River bluffs. The AZ OHV Program recognized these characteristics in their project selection for funding the Singletrack. This aspect of the area is valued and would be lost as a result of the project. This should be disclosed.

Connected to #2 above is the issue of physical changes to the Singletrack Trail associated with the proposed action, including the relocation of the trailhead, abandonment of a trail segment and construction of a replacement segment and trailhead connector road. The Assessment states that the costs associated with these recreation impacts are to be borne by the Forest Service. This is ridiculous. The Forest Service relies on declining appropriated funding and hard won grant funding to do recreation management. These project costs should be paid for by the road project that is causing these impacts in the first place. In addition, during road construction the equipment is already mobilized and the cost of trailhead relocation, for example is far more economical to do at the same time. The State of AZ OHV fund just finished recently paying, through a grant, for the construction of the Single Track Trail. I am sure the State OHV Advisory Board would not be happy to know that this valued OHV asset could be put in financial jeopardy by this road project.

If the project were to be approved and a two lane paved highway installed along 119A, there should be an effective paved and striped bike lane. The Beaverhead Flat Road, to the north, does not have this type of paved bike land. Instead, that project, years ago, opted for a rugged unsurfaced trail paralleling the roadway. This trail is now overgrown and unused along most of its length. Please do not make the same mistake on this new project – both roads (Beaverhead Flat Road and this new connector, if it happens) need to have safe paved and striped bike lanes.

In addition to what is stated above, I do not believe that any benefits of the construction of this north/south road built, are worth the trade-offs: destroying the semi-primitive (not to mention biological) values of this area, in exchange for dubious and future reduction in traffic congestion. I also do not think more road building is consistent with an enlightened approach to climate change mitigation. Nor is it consistent with sustainable infrastructure management considering future maintenance liabilities.

Regarding the part of the project that directly affects the YAN, I would leave it up to them to weigh in on how it may or may not benefit the Nation. Clearly there would be a significant change to the character of that part of the Nation from the upgrading of the roadway as a through route to SR160, increased traffic and associated impacts.

Sincerely,
Jennifer M. Burns
820 E. Armetta Drive
Camp Verde Arizona 86322
928-282-2242

Retired Landscape Architect and Recreation Manager, USFS
Cc: Red Rock Ranger District

From: Shelton, Nancy
Sent: Thursday, May 28, 2020 2:26 PM
To: Bushey, Sabra
Subject: FW: [Non-DoD Source] Fwd: Public Notice/Application No.: SPL-2019-00226

Thanks,
Nancy Shelton
602.530.1612

From: Rice, Jesse M CIV USARMY CESPL (USA) <Jesse.M.Rice@usace.army.mil>
Sent: Thursday, May 28, 2020 2:25 PM
To: Roger McCormick <Roger.McCormick@yavapai.us>; Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>
Cc: Shelton, Nancy <Nancy.Shelton@jacobs.com>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>
Subject: [EXTERNAL] FW: [Non-DoD Source] Fwd: Public Notice/Application No.: SPL-2019-00226

Hello,

I received one more comment today for the 404 permit. Apparently the message failed to send and the commenter wasn't aware of it until yesterday.

Also, I apologize Betsi for leaving you off of my original comment transmittal email on Tuesday. I'm sure Nancy forwarded it to you but let me know if you need me to resend. Thanks!

Jesse

From: jandjdonald [<mailto:jandjdonald@earthlink.net>]
Sent: Thursday, May 28, 2020 2:08 PM
To: Rice, Jesse M CIV USARMY CESPL (USA) <Jesse.M.Rice@usace.army.mil>
Subject: [Non-DoD Source] Fwd: Public Notice/Application No.: SPL-2019-00226

Begin forwarded message:

From: John Donald <jdonald2@hughes.net>
Subject: Public Notice/Application No.: SPL-2019-00226
Date: May 24, 2020 at 10:40:20 PM PDT
To: Jesse.M.Rice@usace.army.mil

I would like to comment on the Verde Connect Project in the Middle Verde area, YYV-0(209)Z.

I am opposed to the construction of this bridge and Middle Verde Connector Road for several reasons:

1. Conservation. The bridge and roads would have harmful effects on many plant and animal species as noted in Yavapai County's environmental assessment. Of particular concern to me is *Eriogonum ericifolium*, a scarce low shrub known only on the lacustrine limestone soils in the Verde Valley. The proposed Middle Verde Connector passes right over a population in the section of road very near the center of your sheet 31 just east of wash no. MVR 3.



Eriogonum ericifolium

These are slow growing plants with fragile root systems. The EA proposes moving such plants out of the path of the roadway, but it is unlikely they could be transplanted successfully, and they would be lost. This species is considered a "sensitive" species in Arizona and is a candidate for federal protection.

2. Economics. The environmental assessment is in error in calculating fuel and driving time savings to connect the two sides of the Yavapai Apache Nation lands on each side of the Verde River. The distance from the YAN Admin Bldg. to the Cherry Rd. Roundabout on Hiway 260 via I-17 is about 7 miles. The distance would be 10 miles using Middle Verde Road north, the Middle Verde Connector, the proposed bridge and Hiway 260 to the Cherry Rd. roundabout. Both YAN communities on each side of the river have economic opportunities and are not limited by transportation infrastructure as the Yavapai County application for the DOT grant asserts.

3. Aesthetics. The proposed Middle Verde Connector would involve large roadcuts in stark white limestone soils and bedrock. These ugly scars would be visible from many parts of Middle Verde and from Hwy 260.

4. Wildlife. The proposed Middle Verde Connector Road would fragment the wildlife habitat in the basin through which it would pass. Right of way fencing would preclude deer and elk from accessing the Verde River safely as they need to do in drought years.

5. Flood hazards. This basin is remote with only one primitive road, 119A, and several small trails. Any increased access would increase the erosion damage caused by off-road vehicles. Many ephemeral washes along the route of the proposed Middle Verde Connector Road run profusely during summer monsoon microbursts.



This is the lower section of wash no. MRV 9 crossing Middle Verde Road during a summer storm. The road was impassable for hours. On or about Sept. 8, 2000 a stronger microburst brought high water down wash no. MRV 9 shown on sheet 33, flooded across Middle Verde Road and came within a few inches of entering the house at 3780 W Northern Ave.

This same storm brought down soccer ball size rocks onto I-17 southbound lanes and closed Middle Verde Road at the wash beside Distant Drums RV Park. It also washed debris onto Middle Verde Road from I-17 to Overlook Acres which had to be cleaned off with a grader the next day. It is doubtful that the retention basins planned could handle this kind of flow.

Adding thousands of square feet of impervious pavement to the watershed drained by wash no. MRV 9 would make it more likely that flooding will damage Middle Verde Road and flood houses immediately to the south. It should also be noted that little or no provision was made in the layout of the Overlook Acres housing tract for drainage of washes like MRV nos. 1-11, so whatever flows come down from the upper watershed have no watercourses to carry the flow to the Verde River. Increased flows and sediment from road building would make this problem worse.

6. Needs and Welfare of the People. The environmental assessment repeatedly states there is "overwhelming support" for the Verde Connect Project. This is simply not the case. In addition to the Yavapai Apache Nation, the towns of Camp Verde, Jerome, and Beaver Creek, there are two organized no-build groups that are opposed to the project. The Howard Shanker letter of 12/7/2019 to Elaine Chao requesting the withdrawal of the BUILD grant funds is essential reading for background on this project. The Corp of Engineers is listed as having been sent a copy of this letter. As Mr. Shanker points out, there are several significant impacts not adequately addressed in the environmental assessment and it will be challenged so that an environmental impact statement would be required.

In summary, I am strongly opposed to the proposed Verde Connect Project and recommend the no-build option.

Sincerely,

John Donald
3750 W Northern Ave
Camp Verde, AZ 86322
jandjdonald@earthlink.net

The Shanker Law Firm, PLC

Telephone: (480) 838-9300
Facsimile: (480) 838-9433
www.shankerlaw.net

HOWARD M. SHANKER

ADMITTED IN ARIZONA, WASHINGTON, D.C.,
PENNSYLVANIA (INACTIVE), AND HOPI TRIBAL COURT

TAMERA C. SHANKER

ADMITTED IN ARIZONA, HOPI AND
TOHONO O'ODHAM TRIBAL COURTS

May 22, 2020

Verde Connect Project
Care of Central Creative LLC
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Via U.S. Mail and Email

Re: *Comments on the Verde Connect Draft Environmental Assessment*
Federal No.: YYV-0(209)Z; Yavapai County No.: 1722601

Submitted by and on behalf of the Verde Valley No Build Alliance
("VVNBA") et al.

The following comments on the Verde Connect Draft Environmental Assessment ("Draft EA" or "DEA") are submitted by and on behalf of the VVNBA, Todd & Diane Scantlebury, Denise Gould, Hillary Barnett, Gail & Milton Pate, Klaus von Sutterheim, and Shannon & Zachary Wolfe. The VVNBA is a membership organization made up of concerned citizens whose recreational, educational, scientific, and environmental interests are directly impacted by the build alternative identified in the DEA (the "Project"). The individually named commenters are all members of the VVNBA whose recreational and educational use of the Project Area and scenic views will be significantly impacted by the Project. Commenters can be reached through counsel:

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Attached hereto are three separate sets of comments on the Draft EA provided by: (1) SWCA Environmental Consultants; (2) Paul Krupka, a registered civil/traffic engineer; and (3) Heather Green, a wildlife biologist. While there is some overlap, these attached/included comments contain a number of significant thoughts on the Draft EA that are not reiterated herein and that require response. These attached comments are incorporated herein, in their entirety, by this reference and make up an essential part of the VVNBA comments on the Draft EA.

The National Environmental Policy Act (“NEPA”) “is our basic national charter for the protection of the environment.” 40 C.F.R. § 1500.1. The law “recognize[s] the profound impact of man’s activity on the interrelations of all components of the natural environment” and sets out “to create and maintain conditions under which man and nature can exist in productive harmony.” 42 U.S.C. § 4331(a). Regrettably, the Draft EA does not contemplate the achievement of “productive harmony” but rather the construction of an unnecessary bridge and road project that will “cross the Verde River, which is one of the largest perennial streams in the state of Arizona. The Verde River, with a robust riparian corridor, provides habitat and forage for numerous threatened and endangered species, offers special recreational opportunities for local communities, and serves as a cultural hub for the Yavapai-Apache Nation.” DEA at 1.

The Project Area includes land in two National Forests. DEA at 59. The Draft EA identifies six (6) separate sites in the Project Area that are protected under Section 4(f) of the Department of Transportation Act, as amended. “The Waters present within the Study Area include 63 unnamed, ephemeral channels; OK Ditch, a manmade irrigation canal; the Verde River; one unnamed perennial drainage; and wetlands.” DEA at 119. “Construction of the Build Alternative would result in temporary and permanent impacts of wetlands and other Waters within the Study Area.” DEA at 121. The “FHWA evaluated the potential impacts to cultural resources and . . . determined that a finding of ‘adverse effect’ is appropriate for the Project.” DEA at 156. According to the Draft EA, “the Build Alternative would result in temporary and permanent impacts to upland and riparian habitat, which includes breeding, migration, and foraging habitat for various ESA-listed and Forest Sensitive species.” DEA at 157. It should also be noted that, although not clear from the Draft EA, there was (and is) significant public opposition to the Project. For example, the Town of Camp Verde and the neighboring communities of Beaver Creek and Jerome all passed unanimous resolutions supporting the No Build alternative.

On its face, this Project requires the preparation of an Environmental Impact Statement. *See Metcalf v. Daley*, 214 F.3d 1135, 1142 (9th Cir. 2000) (A NEPA analysis must be “taken objectively and in good faith, not as an exercise in form over substance and not as a subterfuge designed to rationalize a decision already made.”). As set forth in greater detail herein: (1) this Project requires the preparation of an Environmental Impact Statement (“EIS”) in order to adequately understand the myriad resulting significant impacts on the human environment; and (2) the Draft EA is deficient as a matter of law.

I. The Project Requires Preparation of an Environmental Impact Statement – Issuance of a FONSI Would be Contrary to Relevant Facts and Law

According to CEQ Guidance, an EA in Excess of 10-15 Pages Indicates the Need for an EIS: An EA is intended to be “a concise public document . . . that serves to . . . [b]riefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.” 40 C.F.R. §1508.9. Agencies are advised “to keep the length of EAs to not more than approximately 10-15 pages. . . **In most cases . . . a**

lengthy EA indicates that an EIS is needed.” CEQ Guidance, 46 Fed. Reg. 18026 (March 23 (1981), as amended (1986). (Emphasis added). The Verde Connect Draft EA is approximately 190 pages, not including approximately 900 pages of accompanying appendices. The Draft EA, on its face, is not the appropriate vehicle for assessing the impacts associated with this Project. Neither Yavapai County nor the FHWA have done anything to rebut the established presumption in favor of preparation of an EIS when an EA greatly exceeds 10-15 pages.

A. Factors Used to Determine if a Project “May Have” a “Significant” Effect on the Environment

An EIS must be prepared, even in the absence of a demonstrated significant impact, when there is a substantial question regarding the Project’s impacts. That is:

[a]An EIS must be prepared if “substantial questions are raised as to whether a project . . . may cause significant degradation of some human environmental factor.” *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1149 (9th Cir. 1997). Thus, to prevail on a claim that the Forest Service violated its statutory duty to prepare an EIS, a “plaintiff need not show that significant effects will in fact occur.” *Id.* at 1150. It is enough for the plaintiff to raise “substantial questions whether a project may have a significant effect” on the environment. *Id.*

Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1212 (9th Cir. 1998). There are a number of “substantial questions” as to whether the instant Project “may have a significant effect on the environment.” *Id.*

Whether there may be a significant effect on the environment requires consideration of two broad factors: “context” and “intensity.” 40 C.F.R. § 1508.27. Context simply delimits the scope of the agency’s action. Intensity relates to the degree to which the agency action affects the locale and interests identified in the context part of the inquiry. *National Parks and Conservation Ass’n v. Babbitt*, 241 F.3d 722, 731 (9th Cir. 2001). **Here, the context is “the Verde River, which is one of the largest perennial streams in the state of Arizona. The Verde River, with a robust riparian corridor, provides habitat and forage for numerous threatened and endangered species, offers special recreational opportunities for local communities, and serves as a cultural hub for the Yavapai-Apache Nation.” DEA at 1.**¹ 40 C.F.R. § 1508.27(a) (“ . . . Significance varies with the setting of the proposed action. For

¹ “The Project vicinity is surrounded primarily by undeveloped public lands administered by the Red Rock Ranger District of the Coconino NF, the Verde Ranger District of the Prescott NF, and the Arizona State Land Department (“ASLD”). The region’s diverse landscapes offer year-round opportunities for self-directed, recreation . . .” DEA at 59.

instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. . .”).

With regard to analyzing the severity/significance of the impact, the regulations state, in pertinent part, as follows:

Intensity. This refers to the severity of impact. . . The following should be considered in evaluating intensity: . . . (2) The degree to which the proposed action affects public health or safety; (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial; (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks; (6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts. (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. (9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

40 C.F.R. § 1508.27(b). **An impact may be “significant” based on consideration of any one of the above factors.** *E.g. National Parks and Conservation Ass’n v. Babbitt*, 241 F.3d 722, 731 (9th Cir. 2001). **Again, a party need not show that a significant effect will occur. “It is enough for the plaintiff to raise substantial questions whether a project may have a significant effect on the environment.”** *See Blue Mountains Biodiversity Project*, 161 F.3d at 1212. The instant Project implicates most, if not all, of these factors. Substantial questions as to the significance of the effect on the environment are highlighted below.

1. The Degree to Which the Proposed Action Affects Public Health or Safety

Middle Verde Road/Public Safety: Middle Verde Road is a narrow, two-lane, curving and dipping ribbon of road, with no shoulders or sidewalks and minimal paving that dead ends east of the Verde River. The current traffic is generally limited to local residents. The Build Alternative does not provide for road improvements to Middle Verde Road, even though it is to be an

integral part of the Project. No impacts associated with the use of Middle Verde Road are discussed. According to the Draft EA, “[t]he Build Alternative would also result in an increase in traffic and noise on Middle Verde Road. The additional traffic would contribute to additional degradation of the existing Middle Verde Road over time.” DEA at 159. The Draft EA also notes that passersby and visitors to public lands experience risk exposure and mentions common risks such as *vehicle accidents* and *slips and falls*. DEA at 149-150. The discussion of these important risks, however, stops there and focuses generally on “temporary” impacts of construction. This section excludes daily risk exposure to residents (and their guests, businesses and customers and service providers) using Middle Verde Road.

County accident data indicates a total of 46 collisions occurred on Middle Verde Road during the period 2013 through 2017, including 19 injury collisions. The data indicates that approximately 30% of the collisions were related to lane departure, meaning drivers running off the road – likely due to horizontal and vertical curves and narrow width without shoulders, recovery areas, proper grading or superelevation. The anticipated substantial increase in traffic on Middle Verde Road under the Build condition will likely lead to increased frequency of collisions resulting in an unassessed potentially significant threat to public safety, including increased injuries and death. Research also shows that on formerly dead-end roads, cut through traffic operates at higher speeds, which further increases the likelihood of accidents and the severity of injury. *E.g.*, <http://ceds.org/cut-thru.html>.

The Draft EA also seems to anticipate the use of the shoulder of Middle Verde Road by pedestrians and cyclists. This creates an additional risk to public safety that is not adequately addressed in the Draft EA.

Middle Verde Road has no crown and little to no provisions for flood control. Approximately 3-miles (NW) down Middle Verde Road, Grandpa Wash bridge has been inundated by flash floods, and other poorly graded sections render Middle Verde Road unpassable during severe summer and winter storms. This condition will be exacerbated by the Project. Increased traffic through the Middle Verde neighborhood and new traffic through the Coconino Forest desert foliage would increase and bring new fire dangers, such as smoking ash and tow chain sparks. The Project would increase transportation-related accidents and injuries to pedestrian/cyclists, while also creating new risks of fire, hazardous material release and drownings.

Air Quality Impacts on Public Health and Safety:

A proper analysis of the localized health impacts from changes to air quality is not included in the DEA. Indeed, the discussion of air impacts is both inadequate and misleading. As an initial matter, the Draft EA points out that vehicle emissions are generally proportional to vehicle miles traveled (“VMT”). As discussed above, the calculation of VMTs in the Draft EA is misleading.

The DEA Provides No Discussion of Near Project/Roadway Impacts of PM, CO, and/or MSATs:

Notwithstanding the foregoing, the DEA provides no analysis of near Project/roadway impacts of particulate matter and/or carbon monoxide. With regard to Mobile Source Air Toxics (“MSATs”), the DEA similarly provides, in pertinent part, that:

[a]lthough ADT would increase on the local roadway network within the study area, VMT would decrease for the Build Alternative on a regional level . . . The decrease in VMT would lead to lower MSAT emissions for the Build Alternative on a regional level, although emissions would increase slightly on the existing roadway network in the project area. . . the Build Alternative would have a beneficial impact on air quality in the study area.

DEA at 96. The Study Area appears to be approximately 80 square miles.

The requisite discussion of localized impacts (as opposed to regional impacts and impacts in the Study Area) would have allowed for conclusions to be made about possible site-specific increases in emissions and health impacts. A discussion of Build Alternative impacts to receptors near the Project Area as compared to currently existing impacts of vehicle emissions is mandated under NEPA, but conspicuously missing from the DEA. Significantly, even a “marginal degradation of the quality of the air we breathe is environmentally significant for NEPA purposes.” *Public Citizen v. Dep’t of Transp.*, 316 F.3d 1002, 1024 (9th Cir 2003), *rev’d on other grounds* 541 U.S. 752 (2004); *id.* at 1023 (“The EA calculates emissions increases . . . It dismisses those increases as insignificant, however, because they are ‘very small relative to national levels of emissions.’ It does not conduct any analysis regarding whether these increases may be localized. . .”); *Metropolitan Edison v. People Against Nuclear Energy*, 460 U.S. 766, 771, 103 S.Ct. 1556, 1560 (1983) (“NEPA requires agencies to consider effects on health.”).

Incomplete or Unavailable Information on MSATs

The Draft EA also includes a brief paragraph stating that, “in compliance with 40 CFR § 150.22(b) . . . A discussion of Incomplete or Unavailable Information for Project-Specific MSAT Health Impacts Analysis is included in Appendix D.” DEA at 96. As an initial matter, 40 CFR § 150.22 mandates that the discussion of incomplete or unavailable information be included in the EA/EIS itself, not relegated to an Appendix.

The regulation also requires, in part, that the actual environmental document include “. . . (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the

scientific community. For the purposes of this section, “reasonably foreseeable” includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.” An adequate discussion of these elements is neither included in the Draft EA nor Appendix D.

Appendix D simply provides a generalized laundry list of excuses to avoid considering the localized impacts of MSAT emissions. The only project specific statement in the Appendix provides that “[i]n FHWA’s view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in mobile source air toxic (MSAT) emissions associated with a proposed set of highway alternatives [reasonably foreseeable connected actions and/or cumulative impacts that should have been considered in the Verde Connect EIS instead of briefly mentioned in an Appendix to an EA]. The outcome of such an assessment, adverse or not, would be influenced more by the uncertainty introduced into the process through assumption and speculation rather than any genuine insight into the actual health impacts directly attributable to MSAT exposure associated with a proposed action.” *But see* 40 C.F.R. § 1508.27(b)(5) (A project may have significant environmental impacts where its effects are “highly uncertain or involve unique or unknown risks.”).

As a practical matter, the FHWA has been modeling near road MSAT (and other) emissions for over a decade. At page 93 of the DEA, for example, FHWA references the MOVES model. According to the U.S. EPA, “EPA’s Motor Vehicle Emission Simulator (MOVES) is a state-of-the-science emission modeling system that estimates emissions for mobile sources at the national, county, and project level for criteria air pollutants, greenhouse gases, and air toxics.” It is well settled that:

[a]n agency must generally prepare an EIS if the environmental effects of a proposed agency action are highly uncertain. *See Blue Mountains*, 161 F.3d at 1213 (“significant environmental impact” mandating preparation of an EIS where “effects are ‘highly uncertain or involve unique or unknown risks’”). Preparation of an EIS is mandated where uncertainty may be resolved by further collection of data, *see id.* at 1213-1214 (lack of supporting data and cursory treatment of environmental effects in EA does not support refusal to produce EIS), or where the collection of such data may prevent “speculation on potential . . . effects. The purpose of an EIS is to obviate the need for speculation by insuring that available data are gathered and analyzed prior to the implementation of the proposed action.” *Sierra Club*, 843 F.2d at 1195

Nat. Parks & Conservation Ass’n v. Babbitt, 241 F.3d 722, 731-732; *Metropolitan Edison v. People Against Nuclear Energy*, 460 U.S. 766, 771, 103 S.Ct. 1556, 1560 (1983) (“NEPA requires agencies to consider effects on health.”).

2. The Degree to which the Action May adversely Affect an Endangered or Threatened Species or its Habitat that has Been Determined to be Critical

According to the Draft EA, in part, “[c]onstruction of the Build Alternative would result in temporary and permanent impacts to upland and riparian habitat, which includes breeding, migration, and foraging habitat for various ESA-listed and Forest Sensitive species. The Verde Connect project, in combination with other past, present, and reasonably foreseeable future projects, would likely result in a moderate, negative, permanent cumulative impact to ESA-listed species, Forest Service sensitive species, migratory birds, and bald and golden eagles.” DEA at 157.

The Middle Verde Corridor, however, supports one of the largest and last stands of cottonwood/ willow riparian habitat in the world. The riparian habitat is used by over 200 species of resident and migrating birds, not to mention Middle Verde plants and fish. Many are “obligate species,” meaning they can only exist in this habitat. There are nine endangered or threatened in or near this corridor including a sighting of a threatened Mexican Spotted Owl near one of the proposed Project connections to Middle Verde (Biological Assessment technical memorandum). There are numerous Forest Service Sensitive species with suitable or occupied habitat in the Project Area and nesting, foraging, migratory and wintering habitat for over 30 migratory birds. Green Report at 1; *see also e.g.*, (links to [National Wild and Scenic Rivers System](#), [Northern Arizona University Nature Conservancy](#) and [River Protection](#) sites). Middle Verde contains one of the last, un-dammed, wild and remote sections of River in the state. The unique, rare and threatened willow/cottonwood riparian habitat provided by the Verde River sustains approximately 850 breeding pairs of birds per square mile which is over three times the density found in the diverse eastern deciduous forest assemblages. It is an essential nesting/nursery/colony area. The best way to protect this area is to leave it alone.

Scientific literature on the ecological effects of roads supports the general conclusion that they are associated with negative effects on biotic integrity in both terrestrial and aquatic ecosystems. Roads of all kinds have seven general effects: *Mortality from road construction; *Mortality from collision with vehicles; *Modification of animal behavior (migration and reproduction); *Alteration/ loss of the physical environment – “cutting the environment into pieces”; *Alteration of the chemical environment; *Spread of exotics; *Increased use by humans; *Roads alter animal behavior by causing changes in home ranges, movement, reproductive success, escape response, and physiological state; *Roads change soil density, temperature, soil water content, light levels, dust, surface waters, patterns of runoff, and sedimentation, as well as adding heavy metals (especially lead), salts, organic molecules, ozone, and nutrients to roadside environments; *Roads promote the dispersal of exotic species by altering habitats, stressing native species, and providing movement corridors. Roads also promote increased hunting, fishing, passive harassment of animals, and landscape modifications; * Not all species and ecosystems are equally affected by roads, but overall the presence of roads is highly correlated with changes in species composition, population sizes, and hydrologic and geomorphic processes that shape aquatic and riparian systems.

3. The degree to which the effects on the quality of the human environment are likely to be highly controversial, Uncertain or Involve Unique or Unknown Risks.

The Draft EA's Failure to Adequately Consider Middle Verde Road and Traffic Impacts Results in Unknown/Uncertain Risks: There is substantial overlap between the "intensity" factors and other areas where the Draft EA failed to conduct an adequate analysis. For example, **The Draft EA's failure to adequately consider safety impacts vis-à-vis Middle Verde Road also results in uncertain and/or unknown risks. See disc. Supra. It also creates a gap in the analysis of impacts on environmental justice communities and their use of Middle Verde Road.**

Impacts of Phase 1 Without Phase 2 are Uncertain/Unknown: While the Draft EA considers the cumulative/combined impacts of Phase 1 and Phase 2 of the Project, Phase 2 is dependent on some unknown/speculative source of future funding. The impacts of Phase 1 of the Project, in the absence of construction of Phase 2, are not considered. Even if Phase 2 were to eventually get funded (an uncertainty) Phase 1 would be in operation for years without Phase 2 and without any assessment of the impacts. The entire range of impacts associated with construction of Phase 1 without Phase 2 remain uncertain/unknown.

Impacts Analysis Put Off to a Later Date: As also discussed in the "mitigation" comments provided herein, much of the requisite analysis won't occur until after finalization of the NEPA process. *E.g.*, DEA at viii ("A plan would be developed addressing bat-friendly features to be integrated into the design of the bridge . . ."); DEA at ix (Wildlife connectivity would be considered during project design . . .); *id.* ("Pursuant to the stipulations of the project-specific Programmatic Agreement, a Historic Properties Treatment Plan would be developed and implemented for any historic property that cannot be avoided by project construction . . ."); DEA at 45 ("Yavapai county would develop an agreement document with the Coconino National Forest to address the future relocation of range fence line . . ."); DEA at x ("No work would occur within jurisdictional Waters of the United States until the appropriate Clean Water Act Section 404 permit and Section 401 Water Quality Certification are obtained."). By delaying the requisite analysis, the County/FHWA create a series of impacts that are uncertain, unknown and unanalyzed. *See, National Parks and Conservation Ass'n v. Babbitt*, 241 F.3d 722,733 (9th Cir. 2001) ("That is precisely the information and understanding that is required *before* a decision that may have a significant adverse impact on the environment is made, and precisely why an EIS must be prepared.") (Emphasis in original). The action will also require an individual permit under Section 404 of the Clean Water Act, a Section 401 Water Quality Certification, and an individual NPDES/AZPES permit under Section 402 of the Clean Water Act, before construction can begin.

Unknown/Uncertain Impacts of Non-Native Invasive Species: Neither the Draft EA, the Biological Assessment, or the Biological Evaluation address nonnative aquatic invertebrate

species. Nonnative aquatic invertebrates such as quagga mussels, which are present in Arizona, could potentially be introduced into waters and wetlands via project equipment and activities. In some circumstances, species like quagga mussels can live several days without water. Mud or debris on equipment contaminate with mussels could come in contact with water. This would result in irreversible negative consequences to aquatic ecosystems or water infrastructure. Nonnative aquatic invertebrate species could affect the physical and biological characteristics of critical habitat for razorback suckers, spikedace, and loach minnow, and Northern Mexican gartersnakes, as well as habitat and prey for Forest Service sensitive species such as roundtail chub, Gila chub, Sonora suckers, desert suckers, and common black-hawks. Green Report at 3.

Unknown/Uncertain Impacts on Culturally Significant Plants: Plants of cultural significance to the Yavapai-Apache Nation are embedded in the habitats affected by the project, particularly the riparian habitat. Analysis of the impacts to culturally significant plants is absent from the Draft EA. See June 4, 2019 letter from the Tribe in Appendix K. Eighteen percent of the plants known to be used by tribes that traditionally use the forest occur in cottonwood/willow habitat. Green Report at 8.

Unknown/Uncertain Impacts of Source Materials: Neither the Draft EA nor the referenced documents identify the sources or locations for materials needed for construction. Excavation and disposal could influence the cost of the project and alter environmental consequences, cumulative effects, or significance for resources such as riparian habitat, aquatic species, soil, water, agricultural lands, or tribal lands. The source locations of materials should have been identified and accompanying consequences should have been analyzed and disclosed in the Draft EA. Placing any such information in the Final EA for the first time makes it impossible for, in part, the public to review and comment.

Unknown/Uncertain Impacts of Drilling Through the Water Table: The Draft EA states on page 122 that “shafts can be drilled through the water table to the necessary excavation depth” and goes on to explain the process by which concrete/cement would not enter the flowing Verde River which would be harmful to aquatic species. The Draft EA is silent on whether drilling through the water table would impact the Verde River, agricultural lands, or connected springs if any. This could have negative consequences on any associated species or groundwater wells in the vicinity. A June 4, 2019 letter from the Yavapai-Apache Nation requested that protection of agricultural lands be evaluated in the draft EA (Appendix K).

Unknown/Uncertain Impacts of Retention Basins: The Draft EA also states in the Environmental Consequences section on page 122 that retention basins would be constructed on either of the two connectors (Middle Verde Road and FR 119A). The Middle Verde connector would have one retention basin upstream of the proposed connector route to control flooding in the areas downstream of the roadway. The FR 119A connector would have two retention basins. However, the Draft EA does not specify the location or sizes of the retention basins, even approximately, and therefore the relationship of the basins to wildlife and plant species and habitat is unknown and not analyzed. The Biological Evaluation notes that retention basins or

other storm water mitigation would reduce sediment delivery into the Verde River but is silent on the impact to sensitive plant species such as heathleaf wild buckwheat and Mearn's sage or other species and habitat.

Unknown/Uncertain Impacts of Proposed Well: The Draft EA (p. 115) states that a water line extension or a well would be constructed and a trough would be constructed south and north of the proposed roadway for the Beaverhead Grief Hill Pasture. This would be done to accommodate the existing cattle grazing within the Study Area. The water for the line would be from municipal sources or a well. The Draft EA and documents incorporated by reference do not evaluate the impact of the proposed well on base flows for surface water, groundwater, or other water related impacts. Water sources are critical to wildlife species and can be beneficial as a water source but detrimental if water sources and accompanying fences (if any) are not constructed in a wildlife friendly manner. They can also be a source of nonnative plant or animal species. U.S. Fish and Wildlife Service states that the Verde River's ability to maintain conditions for listed species over the long-term is not assured due to drought-like conditions that have occurred through much of Arizona since at least 2009 and that upper Verde River habitat quality has declined due to groundwater pumping. Reduced base flows and loss of perennial conditions may represent significant threats to listed species over the long term. Biological Opinion at 29-30.

Unknown/Uncertain Impacts on Underground Storage Tanks: Arizona Department of Environmental Quality circulated information about the Verde Connect project to their Air Quality, Water Quality, and Waste Program staff. Their staff identified underground storage tanks and leaking underground storage tanks in the Project vicinity (Appendix K). The relationship of these tanks to the Project, actions connected to the project, ground water, and surface water was not evaluated in the Draft EA or documents incorporated by reference.

4. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Park Lands and National Forests: The Project Area includes land in two National Forests – the Coconino National Forest and the Prescott National Forest. DEA at 59. Indeed, the Draft EA identifies six (6) separate sites in the Project Area that are protected under Section 4(f) of the Department of Transportation Act as amended.

Wetlands and Waters of the United States: The Project Area also includes Waters of the United States and wetlands. "The Waters present within the Study Area include 63 unnamed, ephemeral channels; OK Ditch, a manmade irrigation canal; the Verde River; one unnamed perennial drainage; and wetlands." DEA at 119. Four acres of disturbance area will occur in the 100-year floodplain of the Verde River under the Build Alternative." DEA at 118. Indeed, "[c]onstruction of the Build Alternative would result in temporary and permanent impacts of wetlands and other Waters within the study area." DEA at 121.

Historic or Cultural Resources: The “FHWA evaluated the potential impacts to cultural resources and, in coordination with the consulting parties, determined that a finding of ‘adverse effect’ is appropriate for the project.” DEA at 156.

Site AZ 0:5:32 (ASM), AR-03-04-01-02208 and AR-04-01-02211 have been determined eligible for inclusion in the NRHP under Criterion D. . . Current engineering design shows that AR-03-04-01-02208 and AR-03-04-01-02211 cannot be avoided by the Project. . .” DEA at 81. AR-03-04-01-02207/OK Ditch was determined eligible for inclusion in the NRHP under Criterion A . . . The site’s NRHP eligibility under Criteria B, C, and D, could not be adequately assessed based on currently available information , and therefore remains unevaluated under those criteria. The bridge would diminish the integrity of setting and feeling of the OK Ditch within the APE but would not adversely affect the existing aspects of integrity of the canal as a whole.”

Based on the results of the Class III survey and responses received from consulting parties, construction of the Build Alternative would have an ‘adverse effect’ on cultural resources within the area of potential effects.” DEA at 81.

Ecologically Critical Areas:

According to the Draft EA, in part, “[c]onstruction of the Build Alternative would result in temporary and permanent impacts to upland and riparian habitat, which includes breeding, migration, and foraging habitat for various ESA-listed and Forest Sensitive species. . . The Verde Connect project, in combination with other past, present, and reasonably foreseeable future projects, would likely result in a moderate, negative, permanent cumulative impact to ESA-listed species, Forest Service sensitive species, migratory birds, and bald and golden eagles.” DEA at 157. *See gen. discussion, supra* at (“The Degree to which the Action May adversely Affect an Endangered or Threatened Species or its Habitat that has Been Determined to be Critical”).

Prime Farmlands and Historic/Cultural Resources: Although not designated by the USDA, the Project Area directly impacts important farmland. Middle Verde farms provided food and silage for the early settlements in Flagstaff, Jerome and Prescott. Now they provide the Verde Valley with not only hay and grains but also locally grown livestock, poultry, fruits, herbs, vegetables and honey. Seventeen and fourteen years ago, respectively, Middle Verde farmers founded the Verde Valley Farmer's Market and the first Verde Valley Community Supported Agriculture program. Over the years, and especially at this time of unsettling disruption in the national food supply chains, the demand and appreciation for locally grown foods has increased immeasurably. The Town of Camp Verde declared Middle Verde a rural and agricultural character area in order to preserve its farming heritage, encourage locally grown foods, promote tourism and protect the Verde River. Middle Verde farms act as a buffer to the River’s riparian corridor and encourages conservation by, in part, hosting events like the birding/breakfast for the

Verde Valley Birding Festival (for over 6 years). The farms have provided dozens of field trips for public and private schools, Yavapai Community College and private garden clubs.

Farms along Middle Verde Road are an integral and essential part of the history, agrarian economy, environment and rural character of the Verde Valley. Although not discussed in the Draft EA, the Project would result in significant negative impacts to the Middle Verde farms. In formerly remote, rural areas, new highways bring real estate development, particularly for irrigated lands in the arid southwest. Increased property value incentives combined with noise, safety and quality of life disincentives encourage sales and large property divisions. None of these impacts on currently existing farm land are considered in the Draft EA.

5. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

The cumulative effects analyses for Federally listed species and proposed or designated critical habitat (southwestern willow flycatcher, yellow-billed cuckoo, razorback sucker, loach minnow, spikedace, narrow-headed gartersnake, Northern Mexican gartersnake, and Mexican spotted owl) are incomplete (Biological Assessment at 27, 33, 42, 48, 54 and Technical Memorandum in the Biological Assessment at 3, dated April 21, 2020). The Biological Assessment states that much of the Verde River corridor within the Verde Valley is in private ownership and various developments, activities and uses (e.g. livestock, agriculture, and water diversions) are ongoing in this area and that this Project, along with these private activities in the Verde Valley, could contribute incrementally to cumulative effects to the species being analyzed. The same statements are listed for each species, however, different activities and uses can affect species differently. Listing ongoing activities is not a substitute for analysis of effects of past, ongoing, and foreseeable future projects combined with effects of the proposed project.

The Biological Evaluation employs the same cumulative effects statements as the Biological Assessment for Forest Service sensitive species (Biological Evaluation at 28-33 and migratory birds at 37). These analyses are also incomplete because: *the evaluations fail to consider other jurisdictions such as the Yavapai-Apache Nation and the Arizona State Land Department; *the evaluations do not evaluate a list of past, ongoing, or reasonably foreseeable future actions (see, DEA at 152), and only provide a general list of some ongoing activities in the Verde Valley (with no boundaries identified); *the evaluations do not identify the type, severity, or duration of impacts; and *the evaluations do not identify a temporal or geographic boundary for cumulative effects.

Cumulative effects analyses were silent on activities and uses mentioned (or not mentioned) in the DEA and other associated documents including: *The sale of ASLD land would likely result in the conversion of land that is currently used as range land to a developed

use, such as commercial or residential (*see*, DEA at 154); *Road improvements to accommodate 4 lanes of traffic will occur in the future (*see*, Biological Opinion at 7); *Increased recreation and trash disposition, habitat fragmentation, fire risk, contamination of surface and groundwater (*see*, Biological Opinion at 37); *Increased urbanization and development may increase use of surface and groundwater in the Verde River drainage and could ultimately reduce flows in the Verde River resulting in significant long term threats to listed species in the action are over the long-term (*see* Biological Opinion at 30, 37); *Future management of the Verde Connect bridge would likely require vegetation removal or modification and possible removal of debris around piers and abutments (*see* Biological Opinion at 37); *Black Canyon Trail and connector (*see* DEA at 63; Increased traffic along the Middle Verde Road and the new road that could increase wildlife-vehicle collisions (Biological Evaluation at 39).

6. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment

“The Build Alternative would fail to meet the high SIO of both Coconino NF and Prescott NF, resulting in a long-term adverse impact.” DEA at 74. The DEA lists some mitigation measures that they allege will result in a “moderate long-term adverse impact on the scenic character of the project.” DEA at 74. Either way this requires a Forest Plan amendment by Coconino NF – and “the overall scenic character of the area would be affected and would fail to meet the existing SIO.” DEA at 75. The Project is inconsistent with requirements imposed for the protection of the environment.

The Draft EA does not describe the updated text proposed for the Coconino National Forest Plan Amendment. The Draft EA cannot be used as the NEPA document for the amendment and a new NEPA process must be undertaken with consideration of 219 regulations for approving the Plan Amendment.

Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended states that the Department of Transportation ‘may approve a transportation program or project . . . requiring the use of publicly owned land of a public part, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of nation . . . only if (1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area . . . “ DEA at 84. The widening of Cornville Road, for example, is a prudent and feasible alternative to using park/recreation area land.

The DEA identifies six (6) recreational resources that otherwise qualify for protection under Section 4(f). DEA at 85. In each instance the DEA asserts that there will likely be only a *de minimis* impact and that the issuance of the DEA is part of the process of making a *de minimis* determination – this determination has not yet been made but will likely be presented as part of the preordained FONSI.

The Project violates the Camp Verde General Plan. The General Plan provides, in part, that the Middle Verde Character Area Goals include “encourages the preservation of existing neighborhood densities . . . Maintain the rural, residential and agricultural character of the area . . . Encourage the protection of agricultural lands and rural landscapes. . . Encourage the preservation of agricultural soils, primarily through active farming . . . Protect the rural character and cultural resources, preserve open space, enhance agricultural opportunities and reduce the loss of prime agricultural lands and important open space. . .” The Project’s failure to be consistent with the General Plan was one reason the Town of Camp Verde passed a unanimous resolution supporting the No Build option.

The action requires an individual permit under Section 404 of the Clean Water Act. The Cooperating Agency letter from USACE states that this Draft EA should fulfill the NEPA obligations including the ability for the public to comment on the 404 permitting process. The Draft EA, however, does not state this. The Draft EA also does not analyze sufficient alternatives, and does not have a 404(b)(1) analysis to consider. The Draft EA does not have a draft compensatory mitigation plan for the anticipated impacts to the Waters of the United States and/or an analysis of the mitigation proposed to occur to offset impacts to Waters of the United States.

7. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources

The “FHWA evaluated the potential impacts to cultural resources and, in coordination with the consulting parties, determined that a finding of ‘adverse effect’ is appropriate for the project.” DEA at 156. Site AZ 0:5:32 (ASM), AR-03-04-01-02208 and AR-04-01-02211 have been determined eligible for inclusion in the NRHP under Criterion D. . . Current engineering design shows that AR-03-04-01-02208 and AR-03-04-01-02211 cannot be avoided by the Project. . .” DEA at 81.

AR-03-04-01-02207/OK Ditch was determined eligible for inclusion in the NRHP under Criterion A . . . The site’s NRHP eligibility under Criteria B, C, and D, could not be adequately assessed based on currently available information, and therefore remains unevaluated under those criteria. The bridge would diminish the integrity of setting and feeling of the OK Ditch within the APE but would not adversely affect the existing aspects of integrity of the canal as a whole.”

Based on the results of the Class III survey and responses received from consulting parties, construction of the Build Alternative would have an ‘adverse effect’ on cultural resources within the APE.” DEA at 81.

II. The Draft EA Fails to Comply with the Requirements of NEPA

The NEPA process is an essential part of agency planning that cannot be circumvented. *E.g.*, *State of Cal. v. Block*, 690 F.2d 753, 769 (9th Cir. 1982) (“[T]he procedural requirements prescribed in NEPA and its implementing regulations are to be strictly interpreted ‘to the fullest extent possible’ in accord with the policies embodied in the Act. 42 U.S.C. § 4332(1). Grudging *pro forma* compliance will not do.”). The Draft EA, however, fails to comply with the processes required by law.

A. The County Improperly Restricted Public Participation and Access to Information During the Scoping Process

It is well-established that NEPA:

ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.

Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349, 109 S.Ct. 1835, 1843 (1989); 40 C.F.R. § 1500.1(b); *South Fork Band Council of Westerns Shoshone v. U.S. Dep’t of Interior*, 588 F.3d 718, 726 (9th Cir. 2009) (“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.”).

The Draft EA, for example, asserts that “the concept of a new north-south transportation corridor has been supported by numerous land use and transportation plans within Camp Verde, Verde Valley, and Yavapai-County since 1990.” DEA at 12. There are two major problems with this assertion. First, unless you were part of the Verde Valley Transportation Planning Organization you had no idea that this concept was under consideration. Second, the B2 alternative was never the project put forth as a preferred alternative. The universe of alternatives advanced in the winter of 2018/spring 2019, including alternatives that would have bypassed the Middle Verde neighborhood, were eliminated without any meaningful public input, discussion or dialogue. The Project did not receive any meaningful public input during the scoping process. Indeed, in the County’s Grant Application, seeking funds to build the connector, the project identified was very different from the one currently being proposed. The County rushed the application process and received no meaningful public input on the grant. Subsequently, the County failed to make the Grant Application readily available for public review. It wasn’t until after June 17, 2019, when the Yavapai-Apache Nation made clear that the County could not conduct any project related activities on YAN land – that the County changed course. The County’s lack of transparency delayed the prospect of any meaningful public input. It was only

late in the process that the County identified the B2 alternative for public consideration. It was only after the public was able to figure out what the County was doing that the Town of Camp Verde and the neighboring communities of Beaver Creek and Jerome all passed unanimous resolutions supporting the No Build alternative.

B. Inadequate Discussion of Alternatives

“The existence of a viable but unexamined alternative renders an EA inadequate.” *Western Watersheds Project v. Abbey*, 719 F.3d 1035, 1050 (9th Cir. 2013). On this basis alone, the Draft EA is legally deficient. There are a number of viable, but unexamined alternatives.

Widening/Improving Cornville Road - According to the ADOT 2016 Master Transportation Plan: “[t]his Project is not needed if Cornville Road is widened to four lanes.” That is, even though the widening of Cornville Road is, according to ADOT, a viable alternative, FHWA failed to consider it in the Draft EA.

Inadequate Evaluation of Alternatives That Would Have Bypassed Middle Verde Neighborhood Homes and Driveways:

Alternative B1 - Alternative B1 was summarily rejected from further study and detailed discussion in the Draft EA even though it was “a high performing alternative that would improve regional traffic flow, is compatible with the existing road network, and improves emergency response times. . .” DEA at 25. The County/FHWA “cannot preliminarily dismiss alternatives that are feasible.” *Id.* at 1052. Moreover, Section 404 of the Clean Water Act requires consideration of alternatives. According to the Draft EA, in that context, “it was determined that Alternative B1 and B2 would have the least impact of all the alternatives on wetland resources Alternative B2 was determined to be the “preliminary” LEDPA. The USACE indicated to FHWA it agreed that Alternative B2 was the “preliminary” least environmentally damaging practicable alternative (LEDPA). How can identification of the B2 alternative be a “preliminary determination” when it is the only action alternative carried forward for detailed study. *E.g.*, DEA at 121. Based on Table 4, both B1 and B2 are similar across most categories. B1 has even less WOTUS crossings. Alternative B1 would be a practicable alternative for the 404(b)(1) analysis.

Alternative C3 – Elimination of Alternative C3 for being unpopular with the public and because of extensive private party acquisitions are not sound reasons to eliminate the alternative from detailed study. Especially since there is no evidence of communication with private landowners of all alternatives.

Elimination of All Alternatives That Cross Tribal Land – The agency is obligated to consider alternatives outside of its jurisdiction. These alternatives could have been considered, in part, to show the differences in the range of alternatives considered. It would also have given the YAN and the public the opportunity to make determinations on an alternative specific basis.

As a general proposition, the process used to summarily dismiss alternatives was flawed. FHWA policy on eliminating non-viable alternatives during a preliminary screening process provides that:

[t]he evaluation and elimination of alternatives during the transportation planning process can be incorporated by reference into a NEPA document under certain circumstances. In these cases, the planning study becomes part of the NEPA process and provides a basis for screening out alternatives. As with any part of the NEPA process, the analysis of alternatives to be incorporated from the process must have a rational basis that has been thoroughly documented (including documentation of the necessary and appropriate vetting through the applicable public involvement processes). . .

Linking the Transportation Planning and NEPA Processes, 23 C.F.R. Appendix A to Part 450 at II(11)(b) (Parenthetical in original). In the instant case, the “screening process” used to dismiss alternatives did not meet the requisite public participation and “3-C” planning principles that would render whatever planning document the County/FHWA used to prescreen alternatives amenable to incorporation into the Draft EA. Again, this presumes, *arguendo*, that any alternative rejected from detailed discussion in the Draft EA was not viable. *South Fork Band Council of Westerns Shoshone v. U.S. Dep’t of Interior*, 588 F.3d 718, 726 (9th Cir. 2009) (“A non-NEPA document – let alone one prepared and adopted by a state government – cannot satisfy a federal agency’s obligations under NEPA.”). “The evaluation of ‘alternatives’ mandated by NEPA is to be an evaluation of alternative means to accomplish the general goal of an action. . . an agency cannot restrict its analysis to those alternative means by which a particular applicant can reach his goals. . .” *Simmons v. U.S. Army Corps*, 120 F.3d 664, 669 (7th Cir. 1997);

C. Inadequate Discussion of Mitigation Measures

There are two significant flaws in the Draft EA’s approach to “mitigation measures.” First, the identification of mitigation measures included in the Draft EA generally amounts to an impermissible “perfunctory description or mere listing,” with no development and/or “supporting analytical data.” *E.g.* DEA at viii-xix; DEA at 113.

while the agency is not required to develop a complete mitigation plan detailing the “precise nature of the mitigation measures,” the proposed mitigation measures must be “developed to a reasonable degree.” A ‘perfunctory description or mere listing of mitigation measures, without supporting analytical data, is insufficient to support a finding of no significant impact. . . .

National Parks and Conservation Ass’n v. Babbitt, 241 F.3d 722,734 (9th Cir. 2001). (Citations omitted); *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998) (“[m]itigation must be discussed in sufficient detail to ensure that environmental

consequences have been fairly evaluated. . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA.”);

Second, analysis of many of the proposed “mitigation measures” won’t occur until after finalization of the NEPA process. *E.g.*, DEA at viii (A plan would be developed addressing bat-friendly features to be integrated into the design of the bridge . . .); DEA at ix (Wildlife connectivity would be considered during project design . . .); *id.* (Pursuant to the stipulations of the project-specific Programmatic Agreement, a Historic Properties Treatment Plan would be developed and implemented for any historic property that cannot be avoided by project construction . . .); DEA at 45 (“Yavapai county would develop an agreement document with the Coconino National Forest to address the future relocation of range fence line . . .”) Under NEPA, the County/FHWA cannot put off the requisite reasonably thorough discussion of mitigation measures for a later date. *National Parks and Conservation Ass’n v. Babbitt*, 241 F.3d 722,733 (9th Cir. 2001) (“That is precisely the information and understanding that is required *before* a decision that may have a significant adverse impact on the environment is made, and precisely why an EIS must be prepared.”) (Emphasis in original); *City of Carmel-By-The-Sea*, 123 F.3d at 1154 (“An Environmental Impact Statement cannot . . . omit a reasonably thorough discussion of mitigation measures because to do so would undermine the action-forcing goals of the National Environmental Policy Act.”).

D. Failure to Rely on Accurate Baseline Data

The Draft EA uses data that assumes the existence of the Project as evidence of substantial out-of-direction travel and resulting added travel time in Middle Verde. The Draft EA does not rely on accurate baseline data, as should have been reflected in the No Build option, to support, in part, the levels of out-of-direction travel and added travel times used to justify the Project's "Need." This is a violation of NEPA. “The baseline alternative should not have assumed the existence of the very plan being proposed. . . A no action alternative in an EIS is meaningless if it assumes the existence of the very plan being proposed.” *Friends of Yosemite Valley v. Kempthorne*, 520 F.3d 1024 1037-1038 (9th Cir. 2008); *Center for Biological Diversity v. U.S. Dep’t of Interior*, 623 F.3d 633, 642 (9th Cir. 2010) (“A no action alternative in an EIS allows policymakers and the public to compare the environmental consequences of the *status quo* to the consequences of the proposed action. The no action alternative is meant to provide a baseline against which the action alternative . . . is evaluated.”).

E. Conclusion

As described in relative detail above (and in the attached/incorporated comments of SWCA Environmental Consulting; Paul Krupka; and Heather Green) an adequate NEPA analysis of the Project cannot be completed by the issuance of an Environmental Assessment/FONSI. The impacts on the human environment contemplated by this Project have the potential to be profound. Regrettably, most of these impacts are either inadequately considered, or not

addressed at all, in the Draft EA. The County needs to restart the NEPA process by, in part, making high quality information publicly available – including information on alternatives to the Project that were improperly dismissed without adequate consideration – and giving the public an opportunity to have meaningful input into the decision-making process.

Sincerely yours,

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SWCA ENVIRONMENTAL CONSULTING

COMMENTS ON THE VERDE CONNECT DRAFT EA

Purpose and Need

1. Project area of disturbance is not described nor shown on a map that describes the project components and connected actions that should be analyzed for the project in this EA with a breakout of the acres of disturbance by temporary and permanent disturbance. Recommend a table showing differences in alternatives by resources analyzed.
 - a. Project Components analyzed in this EA:
 - i. Main road, bridge, and box culverts where needed,
 - ii. Middle Verde connector road (option Middle Verde or option FS119),
 - iii. Trail realignments,
 - iv. New trailhead parking
 - b. Connected actions, but not analyzed in this NEPA document
 - i. Change to grazing fence in Apache Maid Horse Pasture
 - ii. Fencing along roadway to keep cattle from road
 - iii. New dispersed camping corridor along FR9235F
 - iv. Width of actual ROW or easement permit being approved across each land ownership type.
 - c. Partial descriptions of Project area – combined to show variance
 - i. Construction under bridge will include 150' upstream and 100' downstream
 - ii. Total disturbance 128 acres (~4 acres within the floodplain and upland area)
 - iii. A typical roadway section is 40' wide with an 8' shoulder, 2 – 12' travel lanes, and an 8' shoulder.
 - iv. A road corridor width is between 200' and 1200' wide and the parking area is approx. 10 acres.
 - v. Main Road 7.08 miles in length between 200 and 2600' wide. Connector road is 5.21 miles between 100-1,020' wide. And the parking lot is 691ft by 886ft
2. No resource specific rationale provided for limiting “study area” or “cumulative effects area” to the 4 surrounding transportation roads. Air quality is typically 50km, 100km if class I airsheds are within in that buffer area; cultural resources would be the extent of visual/atmospheric/noise impacts which could be miles depending on viewshed/topography. Water resources are typically considered by watershed for cumulative impacts.
3. Project timing is not described for the reader to understand the possible impacts due to seasonality or phasing
 - a. Plan surveys scheduled for summer 2020 or 2021
 - b. Geotech tests planned for July 2020
 - c. Project to run from Feb 2022 through Jan 2023
 - d. Short term and long-term impacts are not described with timeframes and associated impacts with each period.
 - e. Lacking information on impacts caused by phased building approach.
4. Inconsistent use of rationale for Purpose and Need.
 - a. A Key element of the purpose and need is to provide better emergency response, but no alternative roads ending at Page Springs were considered in detail. This location would provide the easiest access based on distance from an emergency response station.
5. Coconino NF Forest Plan Amendment – this document does not describe the updated text proposed for the plan amendment within the EA, therefore the EA cannot be used as the NEPA

document and a new NEPA process must be undertaken with consideration for 219 Regulations for approving the Plan Amendment. The Plan Amendment would need to be complete prior to construction of either Phase 1 or 2.

- a. Plan wide amendment for SIO
 - b. Project specific amendment for riparian crossing
 - c. PNF determined a moderate long-term adverse impact on scenic character is ok and no modification to LRMP is necessary.
6. Prescott National Forest is listed as being represented and not deferring to the Coconino NF.
- a. Prescott NF is not mentioned in Forest Plan Amendment section. Later in the EA, it is noted that Prescott NF determined an amendment was not necessary, but why?

Alternatives

1. The Draft EA presents the Proposed Action and Alternatives as if this were a long-range planning corridor study. The construction easements, permanent impacts, and any drainage easements/footprints are known, and the Proposed Action and viable Alternatives presented in the DEA should include this information for the reader to refer back to when an impact discussion in chapter 4 provides quantification.
 - a. Following an extensive 'Alternatives Screening Process' and 'Alternatives Considered but Eliminated,' the reader is left to determine, on their own, what the actual limits of disturbance (overall acreage of surface disturbance, broken down in terms of construction, temporary, and permanent impacts) for each alternative really is.
 - b. The lengths of each alternative are provided in Table 4. Some acreages for land jurisdiction and affected acreage is also provided, but it tells the reader little about actual footprint disturbances that can be correlated to the impact discussions.
 - c. There should be a new Table 5 that provides a breakdown of the difference in entire project (construction and operation) surface disturbance (acreage) for the Proposed Action and each Alternative.
2. There is no discussion of difference in acres between those currently disturbed and not disturbed acres of project or alternative footprints
3. Removal of alternatives from detailed evaluation
 - a. Similar to the portion within the study area of the first suggested route in Table 2, the purple and brown alignments within Figure 10. Universe of Alternatives based on combining public alignments from scoping were not carried forward for detailed analysis but were not provided with rationale for their dismissal. These two alignments are closer to populated areas that show decreased LOS in future modeling.
 - b. Alternative B1 should have been carried forward for further analysis, specifically for 404 Permitting with the USACE. Based on Table 4, both B1 and B2 are similar across most categories and has even less WOTUS crossings which would be a practicable alternative for the 404(b)(1) analysis.
 - c. Elimination of Alternative C3 for being unpopular with public and extensive private party acquisitions is not a sound reason as there is no evidence of communication with the private landowners of all of the alternatives. There were no documented efforts to contact the adjoining landowners of the other alternatives to see if they had the same opposition.

- d. Elimination of all alternatives that crossed Tribal land. It is within the right of the agency to consider alternatives outside of their jurisdiction, these alternatives could have been considered to show the differences in the range of alternatives considered.
 - e. Inaccurate Level 1 Screening Criteria – What are the assumptions used to determine what improvement may be gained for medical and emergency access? Where are the terminus points used for travel time, which population or homes were considered or were all considered and averaged?
 - f. Inaccurate Level 1 Screening Criteria – Visual Disturbance only considered from residential area, not trails, cultural sites, elevated positions, or other KOPs on the landscape.
 - g. Inaccurate Level 1 Screening Criteria - Social and Economic Impact only considers a “yes/no” answer to impact, not consideration for positive and/or negative impacts.
4. There is no consideration for changes in property value for affected landowners.
5. The study area is bounded by the surrounding transportation network, but no rationale is provided for why.
- a. This study area was further used to rationalize elimination of alternatives, seemingly without good reason.
 - b. When was the study area limit decided? Was the BUILD grant limited by a study area? Why was the particular study area considered to be the limit?
6. 3.1.2, Level 1: Reasonableness Review (page 20) “Alternatives that cross areas with a high level of constraints...” - what constitutes high level?
7. 3.1.3, Establishment of Screening Criteria - Table 3: Screening Criteria and Performance Measures (page 23)
- a. Regional Mobility → Integrate into existing transportation network: How do you define most vs. least compatible with existing roadways? Compared to each other?
 - b. Environmental Constraints → Potential impact to water resources including the Verde River: How were brackets for potential disturbance determined? For all of these environmental constraints? Is it a reasonable bracket to decipher level of effect?
 - c. Environmental Constraints → Potential impact to cultural and historic resources → Number of known eligible/listed cultural sites present based on Coconino NF previous survey data; what about Prescott NF?
8. 3.3.1, Build Alternative (page 33-35)
- a. “The following connected actions that will be completed by the Forest Service are included in this alternative.” – Which NF?
 - b. “Construction of Phase II would occur when funding is available.” – When would funding become available? What happens if funding is not secured? Is there a reduction in the Build Alternative's ability to achieve the purpose and need if Phase II is not completed? If only Phase I were completed, would another alternative result in fewer impacts and greater achievement of the purpose and need?
 - c. “Temporary construction and equipment access within the 100-year floodplain is anticipated to last 12-18 months.” – Is this for Phase I and II? Just one phase? Consecutive time?
9. When will funding be pursued for Phase II? Why hasn't it already been allocated/secured? Effects related to a pause between phases did not appear to have been discussed.
- a. Where does the remaining \$10 million for Phase I come from?

Specific Resource Concerns, including Appendices

Resources Eliminated from Detailed Study

1. Incomplete resource analysis – mineral resources was dismissed from detailed analysis, yet there is no discussion of the ability to stake claims/ability due to Federal management or split estate for claims to be staked. Is the area open for mineral entry or is split estate land ownership?
2. Scope and Analysis of Geotechnical investigations
 - a. Will occur in July 2020 which is during bird breeding season which could affect nesting birds who nested prior to work beginning
 - b. There is no requirement for reclamation to disturbed areas, this could be a source of sediment transfer to the river or washes, additional dust in the air, higher visual contrast, and reduction in habitat and vegetation for a period of months or years depending on funding. This additional disturbance is not considered in the resource analyses of the EA for prolonged times with our reclamation within the project footprint.

Land Use and Jurisdiction

1. There is no description of the land uses of private land near the project area. Additional recreation, gardens for food consumption, agricultural crops, and other activities could be occurring on private land.

Livestock Grazing

1. Range analysis only takes into consideration the acres of range allotment in project area, not the impacts and changes to range management from changed movement patterns, water sources, maintenance on water lines, or impacts from ground disturbance of fence relocation.
 - a. The fence relocation disturbance is a connected action but is not included in this NEPA documents. Would require additional NEPA documentation and public comment prior to approval of work.
 - b. Range analysis considers a loss of 244 acres to transportation but repurposing of a large section of land will also occur based on fence changes to Apache Maid Horse Winter. Need to provide the change in AUMs per grazing allotment to consider the impacts to the grazing allottee and the agency grazing revenue.
 - c. Where is the water for the additional wells come from (municipal source or well)? Is there a water right already associated with the well or a new well? Is this removing water available for another use, is there long-term additional costs associated with the water changes that affect the allotment and allottee?
 - d. What are the impacts associated with the new troughs, is that within existing disturbance footprint of the project or outside of the project footprint? If outside of the footprint, the NEPA analysis is not covered in this EA and must be done under a separate NEPA document.
 - e. There are no limits to the number of bore holes associated with this testing

Socioeconomic Considerations

1. Socioeconomic Impacts Analysis is flawed and not consistently applied methodology used for the reader to understand the disclosure.
 - a. There is no discussion on housing stock for future growth will be accomplished. While data shows there is a surplus of housing now, the surplus shown will not meet future modeled needs with population growth.

- b. There is no discussion in changes of property value associated with the proposed changes in road access and recreation opportunities.
 - c. Table 9 has not correctly labeled CT 17.01, BG 1 as a Hispanic or Latino group compared to County and Arizona percentages.
 - d. Table 11 only focuses on the one surrounding community that has a higher LEP than the State of Arizona but does not identify with highlighting that most of the CTs are of a higher LEP percentage than Yavapai County average.
 - e. Table 12 has not correctly labeled all CTs are higher than the Arizona % for disabled in addition to what they detailed in text for above County and 20%
 - f. Table 13 only focus on CTs, not surrounding communities with higher percentage of an elderly population such as Clarkdale, Cornville, Sedona, Village of Oak Creek. The changing conditions for what notate a group as higher percentage than another is misleading to the reader.
 - g. Table 14 only focuses on the CT or community if they are higher than both the county and state average, where previous tables only required exceedances in one category.
2. Section 2.1.2, Limited Crossings of the Verde River, Out-of-Direction Travel, and Lack of Multimodal Options states: "This is an acute issue given that 21 percent of the Yavapai-Apache Nation's residents do not have access to a vehicle."
- a. With such high percentage not having a vehicle, Yavapai-Apache residents will be using other modes of travel on new road. Are there dangers associated with that? Would this result in disproportionate danger to tribal community members who must use other modes of transport?
 - b. What will the changes be to overall available public transit routes with the construction of this road?
3. How can block groups be the most accurate if they have high margin of error?
4. Socioeconomics analysis switches between block group and census tract data throughout the analysis. The years and data source used also varies throughout the document – some use 2010 census data, others use ACS data but for different 5-yr blocks (2010-2015, 2012-2017)
5. Population growth table uses 2010 census data. Why wasn't ACS 5-yr data used instead for a sample of more recent numbers?

Recreational Resources

1. The relocation of motorized camping along FR9235F is not part of the proposed action
- a. PDF Page 58 *"In coordination with stakeholders, Yavapai County has committed to incorporate the following scope of work items into the design to minimize the impact associated with the project. On ASLD land west of the Verde River, improvements include construction of a water line or well, troughs on both sides of the proposed road, and one 12-foot by 12-foot culverts/underpasses to allow for the movement of livestock. On Coconino NF, the improvements include sleeving a water line east of the Verde River and two 12-foot by 12-foot culverts/underpasses to allow for the movement of livestock and recreational users. In addition, the County has committed to providing environmental clearance for the motorized trail reconfiguration and parking area relocation and providing financial assistance to the Coconino NF with the relocation of range fence line."*
2. No discussion of hunting in the analysis.

- a. Loss of hunting area due to project footprint and further loss of high-quality hunting area once additional roads segment roadless blocks of Forest.
 - b. Concern for mixed use of hunting, dispersed camping, and trail use.
3. There is not a quantitative or qualitative analysis of the change to location of the Coconino NF Designated Motorized Camping Corridor from FR199A to FR9212. There is no discussion of length of road or acres of camping this change will affect.
4. A problem not discussed is the conflict of additional traffic on the roads. Interaction of smaller OHV not licensed for highway use and the possibility of oversized and overweight vehicles being redirected from I-17.
5. No information is given on the timing of notice posted to upstream side of river for bridge construction or for additional ways to reach stakeholders with this information.
6. No information is provided on how the Forest will communicate the moving of dispersed camping from FR119A to FR9235F.
7. No discussion on the timing of disruption for camping corridor, trailhead parking, White Hills Single-Track trail system. What method and timing of notifications would be made to provide adequate notice before changes?

Scenic Values, including Appendix A

1. A KOP has not been modeled for the newly proposed dispersed camping along FR or the new parking lot.
2. A KOP was not considered at a higher elevation for a landscape view such as on the Prescott National Forest looking across the Verde River.
3. There is not a correlating simulation of KOP 4 or 5 when the other Middle Verde Road connector option is chosen for a build in the residential area.

Appendix A:

1. The simulations provided are not an accurate portrayal of the disturbance that will be visible for years during construction and reclamation period. How was the modeled vegetation determined – is this a similar road project in similar elevation and vegetation types, at how many years of successful reclamation is this information documented?

Cultural Resources, including Appendices B and C

1. Historic Properties Treatment Plan is not complete or provided as part of this EA. The OK Ditch would need additional assessment and documentation and it is not clearly stated what or when it would be required for the assessment, nor the assurance that all consulting parties would be able to review and comment upon such assessments. Need to clearly document what portion of the OK Ditch is being assessed and which land managing agency has jurisdiction for that area.
2. The PA must be signed prior to a project decision.
3. There is no map to show the Area of Potential affects nor the surveyed area compared to the APE.
 - a. Pg. 100 states the road corridor width is between 200' and 1200' wide and the parking area is approx. 10 acres.
 - b. The survey was for the APE and a 66' buffer, but this does not take into account the minimum ¼ mile buffer that should be included around the project footprint for noise, visual, and atmospheric changes to potential NHRP eligible sites.
4. What other communications were done with tribes, specifically the Yavapai Apache Nation for seeking comments on Revised Draft PA?
5. There appears to be limited informal consultation and communication with the tribes during this process, the agency should make a good faith effort to communicate with tribes to confirm receipt of provided materials and comments provided on reviewed documents.

6. PDF pg. 105 notes only a 10-day report review, that is insufficient time for adequate consultation with Tribes to review and comment.
7. A cultural monitor could be on site during all ground disturbing activities.

Appendix B:

1. APE consists of:
 - a. Main Road 7.08 miles in length between 200 and 2600' wide.
 - b. Connector road is 5.21 miles between 100-1,020' wide (but doesn't show difference between options)
 - c. Parking lot is 691ft by 886ft
2. The USFS and USACE both delegated Section 106 consultation to FHWA for this project based on their attached letters.
3. Without maps of the project disturbance and the survey area, it is unclear if the entire project has been surveyed to date and eligibility of sites concurred upon by SHPO and consulted with the Tribes.
4. There is no documentation of informal consultation and contact with tribes and consulting parties who did not respond to each review cycle with comments.

Appendix C:

1. The USFS and USACE both delegated Section 106 consultation to FHWA for this project based on their attached letters.
2. The HPTP should have been completed prior to the Draft EA. A cultural monitor would be beneficial during ground disturbing activities to ensure tribal and cultural resources are treated with care.
3. The NAGPRA Plan of Action and State Burial Plan should have been provided as an attachment to the PA for review.

Paleontology

1. While there are paleontological resources in the area, there is not a table of soil and geology types by acre within the project area to understand the probability of finding resources. A table with types of geology and soil present at surface and their classification for low or high yield of fossils across the project area would help the reader.

Air Quality Analysis

1. Incorrect analysis. The impacts on air quality would not cease at the end of construction. Comments within the BA and BE note the vegetation and soils may take years to return to pre-construction stability.
2. There is not discussion of high wind events due to seasonal storms and the likelihood the project area would be impacted by those events creating large dust events.
3. Design year is first mentioned in this section when describing methods of identifying projects with Low Potential MSAT Effects. Nowhere in the document does it describe why design year 2045 was selected. This 2045 design year was also used in modeling for Noise and Cumulative impacts analysis – why was it determined an appropriate method for these analyses?

Noise Analysis, including Appendix E

1. Peak monitoring hours are not representative. The measurements were taken on one day, in the middle of the week, with no weekend traffic, or seasonal changes factored into the modeling.
2. Modeling should have included sensitivity model runs to increase traffic for instances of reroute of I-17.

3. Noise is not considered under most species in the biological section and their impact to the species.
4. There are over 10 locations where there will be a perception of the noise doubling (R3, R4, R9, R12, R14, M4/R30a, R43 x4, and R45).
5. There is not a modeling or monitoring location at the Verde River, at the OK Ditch, or at the proposed new camping corridor.

Appendix E:

1. A typical roadway section (PDF Pg. 11 – Figure 3) is 40' wide with an 8' shoulder, 2 – 12' travel lanes, and an 8' shoulder. No description of actual ROW or easement width, nor of fencing required to keep cattle from road.
2. Noise monitoring only occurred on one day in 2019 and was not an accurate representation as it has seasonal variability in addition to weekday/weekend variability.
 - a. The peak noise was determined on Wednesday, October 16, 2019, with two 15-minute observations at each location.
 - b. A better representation of expected use would have occurred at rush hour/commute for office workers on weekdays, bus drop off and pick up times for students on weekdays, and on weekends for regional use.
 - c. The timing based on traffic counts done on a weekday, Wednesday April 17, 2019 show peak noise should occur between 3-4pm.
 - i. Cornville Rd was monitored between 2:30 – 3:00pm
 - ii. Middle Verde Road was monitored between 9:05 – 11:00am
 - iii. 260 was documented between 3:46-4:16pm
3. Trucks were modeled to be only 7.5% of the road use (combined medium and heavy trucks). This road is considered primary to regional connection and therefore additional truck traffic should have been modeled for days this scenario would occur for those unable to cross the Verde at the I-17 bridge.
4. PDF pg. 10 of Noise appendix states alternative B1 had mixed support with agencies but highest with public, yet B2 moved forward due to the visual hiding of hills to shield view which is not a concern of the P&N.
5. Typical FHWA distance for establishing potential project related impacts is ½ mile from centerline.

Drainage and Floodplain Considerations, including Clean Water Act and National Pollutant Discharge Elimination System, as well as Appendix G

1. Missing information on groundwater wells. It is noted in multiple locations (PDF pg. 14, 142 and 170) that GW wells may need to be abandoned. Who owns these wells, are there water rights or uses associated with each well, what compensation will be provided if the wells are abandoned? Is this the sole water well for a minority/disabled/LEP person in the area?
2. 401 Certification – project cannot move forward till the 401 certification is approved.
3. USACE 404 permitting – The Cooperating agency letter from USACE states this EA should fulfill the NEPA and ability for the public to comment on the 404 permitting process, but the EA does not state this. The EA does not have a 404(b)(1) analysis to consider. The EA does not have a Draft compensatory mitigation plan for the anticipated impacts to the Waters of the US (neither amount of WOTUS acres including ephemeral washes or if the new rule goes into effect in May 2020 that may eliminate ephemeral washes from consideration). Where is the mitigation proposed to occur to offset WOTUS impacts, what type of activities will occur, what ratio for replacement is anticipated, preference for on-site/like-kind mitigation? If the mitigation includes

ground disturbing activities they must be included in this EA for disclosure, must have a biological and cultural surveys completed prior to approval of mitigation and ground disturbance.

4. ADEQ NPDES permit – is not complete or provided for review. Would be beneficial for public scrutiny to have this (or at least the application) available for review.
5. No description of what impacts are short term, long term, and permanent of the 4 acres.
6. There is not enough information to make a LEDPA determination within this document for permit action.
7. There is not discussion of ratio for replacement wetlands, preference is for on-site and like kind mitigation.
8. What long term survey requirements will be required for successful reclamation?
9. The EA states there will be a change in drainage into floodplain from the project, but not clear on how big of an impact this would be and if mitigation could be included to offset the impacts.

Appendix G:

1. Document notes that there was an ADWR well registry search done and there are wells in “project area” that may be impacted by the project but no map or well #s were provided in the EA for those that may be affected.

Biological Resources, including Appendices F1 and F2

1. The seed mix used for revegetation of disturbed areas should be approved by each managing land agency for land under their jurisdiction, not solely the Coconino NF (PDF pg. 13, bullet 4).
 - a. This does not specify type of revegetation anticipated and if there are additional impacts to be considered such as watering if needed (including method of watering, source for water including transportation costs/emissions), reclamation expectations for percent cover achieved, time intervals for determining reclamation criteria, criteria that would require additional seeding or mitigation to be considered successful revegetation.
2. The USFWS has not issued a BO and that must be received prior to construction.
3. MSO analysis did not consider noise impacts, could include specific surveys and seasonal restrictions to limit impacts.
4. The environmental conditions description within the snake habitat includes sedimentation, erosion, and turbidity, but these concerns are not mentioned for impacts to fish in same reach.
5. The effects determinations for narrow headed gartersnake have not been updated in the EA to match the BA.
6. The environmental conditions descriptions within the frog section notes it could take several years with degraded habitat due to project impacts.
7. Invasives could be further spread by allowing camping in a different corridor, or by OHVs which will traverse a greater area than current roads allow.
8. Revegetation plan will require pole cuttings of willow, but not % required to be planted or success criteria.
9. Noxious and invasive weeds only address FS weeds and do not include State of Arizona noxious weeds. With the ASLD land in the project area it would be appropriate to include the State of AZ list.
10. Missing discussion of Golden Eagle anywhere in EA or BE, only addresses Bald Eagles. Need to at least explain and justify why golden eagles aren't included in the analysis, a desktop overview conducted by a senior biologist determined it appears if they are present in the area that there would be suitable foraging habitat in the upland areas.
11. The EA does not include any citations to document assertions given in that document. These are present in the BA/BE but not in the EA.

Appendix F1

1. Biology action area – project area with ¼ mile buffer (1/2 mile upstream and downstream at Verde) – includes Main new road (9.4 mi), Middle Verde connector (1.9mi) 2 options, trailhead/parking lot, and trail realignment, road & connector roads are 40' wide road. Trail modifications & fence changes are connected actions – but no ground disturbance for fence is considered, will be evaluated later for fencing.
2. Timing includes seeding in June/July 2022 (clear vegetation beginning in October 2021) for the road with bridge vegetation clearing to start in February 2022, and restoration of the riparian area in December 2022.
3. Construction will occur for 6-8 months for bridge and must be done between April and December due to weather conditions.
4. Again, it states that diminished habitat will exist for years on a listed species - it is expected to take several years to achieve replacement of riparian vegetation and stabilization of substrate materials within critical habitat for the narrow-headed garter snake.
5. Amendment added to BA seeking effects determination for Mexican spotted owl on April 21, 2020.

Appendix F2

1. The Final BE was submitted on March 6, 2020, but the project scope is not accurate. It still shows 3 alignments for Middle Verde Road when one was eliminated in October 2019.
2. Upland Habitat Resolution Plan to be approved by USFS – would include transplanting native species, but not where – inside/outside of disturbance area
3. PDF pg. 22 – distance covers 701 acres, yet no map to show area of study.
4. Says disturbance at bridge is limited to 1 year so limited to 1 breeding season – but, they also say noise can affect and would occur earlier and later in addition to vegetation that would take years to recover. What citation can be given for birds returning to an area after it has been uninhabitable for a year up to a few years.
5. Long term increased use of the area could be disruptive to breeding.
6. What level would trigger invasive mitigation plan and who would require/approve the plan?
7. BE does not seek to consult on MSO but does have an attachment showing there would be wintering habitat along river. This is not a complete BE as it does not have an amendment for MSO from April 21, 2020 as the BA does.

Hazardous Materials

1. There is no discussion of the impacts anticipated due to hazardous materials traveling along this new route as an alternative route for I-17 when closed.

Materials Sources and Waste Materials

1. Where is the fill material for work within the floodplain being sourced from? What impacts could that material introduce to the river, vegetation, and species that use the river.
2. No clear difference between Middle Verde and FR119 options for excavated material needs or surplus of material that needs to be stockpiled during phasing or stored as waste.
3. What BMPs will be required for staging of excavated material both short term and long term. Impacts from this additional source to air quality and erosion and sedimentation from runoff.

Public Health and Safety

1. Stated in other resource sections – conflict with recreation and other users of area; not acknowledging concerns with using road as reroute for I-17 for hazardous materials, faster traffic, increased traffic with dust and emissions, increased use will increase accidents.

2. The road is being pitched as one for multi-modal traffic - public health risks associated with vehicles and other types of travel sharing the road? Public health and safety concerns related to weather? Any cold weather conditions?

Impacts Summary and Indirect and Cumulative Impacts

1. The Cumulative Impact Study area is the general study area arbitrarily stopped at 4 roads surrounding the project.
2. There is no explanation as to why temporal considerations are considered until "design year is 2045." Is this the expected life cycle of the bridge and road at which time the demolition would be anticipated or is there another reason for this number that is not documented within the EA.
3. There is no consideration of the duration and timing of the Reasonably Foreseeable Future Actions that are considered in the cumulative impacts.
4. There is no quantitative analysis done for cumulative effects analysis.
5. Cumulative analysis for multi-modal, future non-motorized use (vehicles AND bicycles) of the Build Alternative is missing:
 - a. Increased recreation use for long-distance/loop cycling.
 - b. Increased risk to public safety with multi-modal use.

Public Involvement and Project Coordination

1. Local stakeholder engagement was minimal as there does not appear to be documentation of mailing to landowners and residents within the study area. With a high proportion of residents with low income. Limited mobility from both disabilities and lack of transportation and multimodal routes, and limited English proficiency, individual mailers should have been provided to parcel addresses and posters hung at well attended social places such as schools, bus stops, libraries, grocery stores, tribal and other government agencies.
2. No recreation groups appear to have been contacted based on the Organization list in Chapter 5.
3. Scoping involved ten public meetings and one agency scoping meeting. Alternatives development also included two public meetings in which the public and agencies were invited to participate. However, only one (virtual) public meeting for comments on Draft EA.
4. Tribal Council requested the Draft EA be made available for review at repositories on the reservation. Per the list of paper copies noted in the Draft EA (pg. 166-167), there are none located within the reservation.

Appendices I, J, and K

1. USACE notes in their letter that this is to be a joint EA to use for the 404 b1 analysis and permit action, but the EA does not seek to inform the readers of this analysis and review for the additional permit action.
2. Most responding agencies including ADOT believe this project will be an alternative route for traffic diverted from I-17. This use of heavier vehicles and at a much higher number than the traffic analysis shows is misleading
3. USFS – wanted to use EA as their NEPA doc for Forest Plan Amendment
4. Not all their recommended mitigation measures to limit noise and disturbance from vehicles and construction equipment were moved into EA – such as no compression breaks, no idling over 15 min, no air horns, etc.

Minor Edits needed to the document

1. Is this the correct version from the website? It states Admin Draft EA on PDF pg. 3
2. Items missing from Table of Contents, but available in document
 - a. Figure 13 – Grazing allotments
 - b. Figure 24 – Receiver location
 - c. Table 27 – Waters Present in the Study Area
 - d. Table 28 – Vegetation Community Types in the Verde River
 - e. Table 29 title is used twice – PDF pg. 147 Estimated Impacts to Waters and PDF pg. 151 ESA-Listed Species Evaluated in Detail; table 30 to 40 need to be renumbered
 - f. Footer is wrong for PDF pgs. 5-9
3. PDF page 9 and 204 are incorrect, there is no Biological Opinion in this document
4. Page 76 of the EA states “Consultation letters and responses are included in Appendix C” – this is incorrect, should state Appendix B instead.

PAUL KRUPKA, CIVIL/TRAFFIC ENGINEER

COMMENTS ON THE VERDE CONNECT
DRAFT EA

krupka.

May 20, 2020

Verde Connect Project **by email only > VerdeConnectComments@Jacobs.com**
c/o Central Creative LLC
24 W Camelback Rd #A-479
Phoenix, AZ 85013

RE: ***Comments on the Verde Connect Draft Environmental Assessment (DEA)***
Federal No.: YYV-0(209)Z; Yavapai County No.: 1722601

Thank you for the opportunity to review and comment on the referenced DEA. I was engaged by the Verde Valley No Build Alliance (VVNBA) and Todd and Diane Scantlebury to review the project site and environment and assess the adequacy of the DEA with respect to transportation and circulation matters.

I am a registered Civil Engineer and Traffic Engineer in California and have 40 years of diverse experience covering all phases of transportation project delivery, including preliminary assessment, conceptual planning, feasibility, design and construction. I have demonstrated expertise in transportation, traffic, and transit planning, engineering and design related to transit-oriented development, transit facilities, parking facilities, roadway and highway improvements, large and small development projects, neighborhood, community, downtown, city, subarea, county, and sub-regional plans, and transit and highway corridors. Finally, I have authored and managed dozens of transportation and circulation studies supporting environmental impact reports and studies for transportation improvements and projects of all kinds and sizes.

I found the DEA to be fundamentally flawed because: 1) it excludes Middle Verde Road, the essential component of the project; and 2) it lacks a properly detailed discussion of traffic, the environmental resource at the foundation of the purpose and need. The DEA states the obvious on page 2.

"Middle Verde Road is the only connection to a major road (I-17) for people living or working north of the Verde River in the study area and thus is a key road within this study. Middle Verde Road provides the only access to the Middle Verde residential communities and the Middle Verde Reservation, which includes residential and governmental complexes and is an economic corridor for the Nation, providing access to the Nation's casino and hotel complex and other potential economic lands of the Nation."

and

"For the purposes of this EA, the term "project area" refers to the construction footprint of the proposed Verde Connect Road, including staging and stockpiling areas and access routes."

KRUPKA CONSULTING

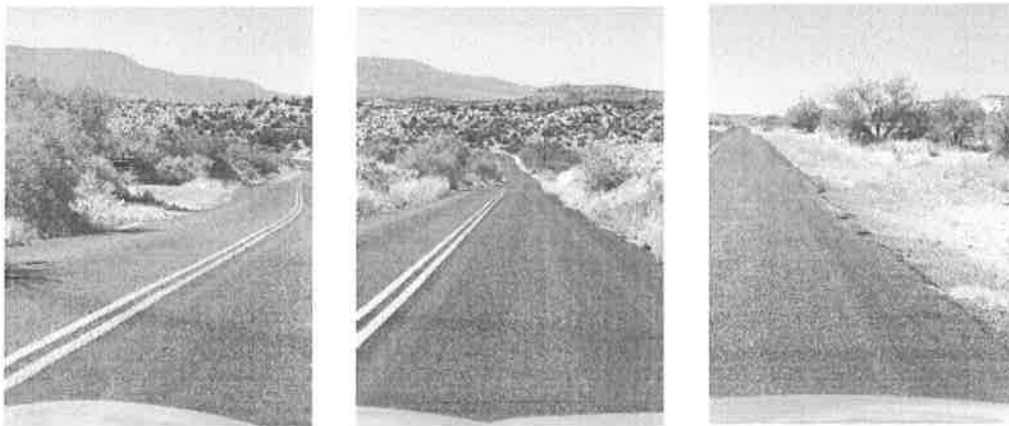
431 Yale Drive | San Mateo, CA | 94402
650.504.2299 | paul@pkrupkaconsulting.com | pkrupkaconsulting.com

Two quotes buried near the end of the DEA speak volumes.

"For most resources, the No Build Alternative did not result in any impacts." (p. 153)

"The Build Alternative would also result in an increase in traffic and noise on Middle Verde Road. The additional traffic would contribute to additional degradation of the existing Middle Verde Road over time." (p.155)

These facts alone indicate the DEA is inadequate and an Environmental Impact Statement (EIS) must be prepared.



Minimally Improved Middle Verde Road

The following comments are provided to support my finding.

Purpose and Need

1. Traffic Congestion (p. 7) essentially says traffic will grow and result in peak hour roadway congestion along Cornville Road approaching Cottonwood. The bullet remarks cite Level of Service (LOS) ratings, which are neither defined nor referenced. Figure 4 is offered to support "increased congestion" and does show degradation near Cottonwood. However, to me the exhibit indicates relatively good peak hour operating conditions in 2019 and 2045 under the No-Build scenario, which does not support a new facility in Middle Verde. Moreover, the DEA says nothing about the significant (31%) increase in peak hour traffic shown on Middle Verde Road under the 2045 No Build scenario.
2. Economic Development (p. 9) states "A new facility would help address 20-year travel demand by creating an alternative access route to the business centers." As noted above, a new facility is not supported by the traffic congestion discussion.
3. Out-of-Direction Travel (p 9-10) states the obvious fact that the Verde River is a "natural barrier" that "particularly affects those living and working along Middle Verde Road and within the northern and southern halves of Yavapai-Apache Nation, who must detour east to I-17 in order to connect to regional locations off SR 260." However, the discussion continues with the misleading and unsubstantiated claim that the project will save thousands of vehicles miles and vehicle hour traveled and \$138 MILLION in driver time and costs by reducing travel time for these affected trips.

This dramatic claim of benefits is the result of the cumulative study area wide travel time estimates for the *Benefit Cost Analysis* (for the project defined in the DEA as Alternative B2) developed for Yavapai County's application for BUILD Grant funds. This is misleading because it uses an evaluation of the proposed project to support the need for the project. Clearly out of place, this led me to question whether the County a) used these findings to frame a critical evaluation criterion or b) is simply advancing a preconceived notion, or c) both. The prospective time savings for affected trips is notable; however, the lack of any substantive facts supporting these findings is a glaring omission.

4. Lack of Multimodal Options (p. 11) notes the barrier that is the Verde River causes out-of-direction travel by non-vehicle mode users, and a new river crossing could alleviate this challenge to a degree. While a new facility could accommodate pedestrian and bicycle use, this benefit could not be realized, because Middle Verde Road – a two lane, winding road with no shoulders or sidewalk - is not suitable for safe pedestrian or bicycle use. Furthermore, a new facility by itself cannot create other multimodal options such as bus service.

Alternatives

5. Universe of Alternatives (p. 20) lacks any description of the colored lines shown on Figure 10, and it glosses over the "Level 1: Reasonableness Review" to render a judgement about seven build alternatives for further study. Conspicuously absent from consideration - in the universe and the advanced alternatives - is Middle Verde Road itself, which is essential to the alternatives. For instance, some of the universe of alternatives indicate potential connections with Middle Verde Road east of the neighborhood homes and driveways (many blind) that start at parcel #403-12-011B&F. (There are no residences on Middle Verde Road before 403-12-011B&F.) These connections would not only bypass the Middle Verde Neighborhood but would also minimize road improvements that would be necessary to bring Middle Verde Road up to required capacity and safety requirements. Another flaw is the absence of discussion of any alternatives involving Cornville Road and SR 260. It is noted that the widening of Cornville Road would, according to ADOT's 2016 Verde Valley Master Transportation Plan, obviate the need for Phase II of the project.
6. Screening Criteria (p. 21 and Table 3) is weak in substance.
 - a. Regional Mobility includes vehicle miles and vehicle hours criteria – generally nebulous and hard to comprehend -- and measures of effectiveness that appear to mirror the savings estimates found in the *Benefit Cost Analysis* and raise questions noted in Comment 3 above. This section should include changes in traffic volumes on key roadways including Middle Verde Road, especially after its intersections with N Arena del Loma, N Verde River Dr and Reservation Loop Rd (the latter two roads accessing the Nation and its government center). The criteria "Integrate into existing transportation network" is great, but the implementation of this in scoring the seven build alternatives (Table 4) does not mention Middle Verde Road; none of the alternatives is compatible with Middle Verde Road.
 - b. Environmental Constraints ignore changes in traffic and the basic fact that Middle Verde Road is essentially a narrow, two-lane, road (essentially a "dirt road" with minimal paving, inappropriate substrate/foundation, no crown, no shoulders, tight/blind curves and steep drop-offs). This section also says nothing about vehicle collisions, and the fact that there were 46 collisions on Middle Verde Road during the period 2013 through 2017. (See Exhibit A)

- c. *Social and Economic Considerations* include criteria related to areas with high minority populations and high poverty, which is appropriate, but the implementation of these criteria in scoring the seven build alternatives (Table 4) states no impact for all but one option and simply neglects the socioeconomic conditions that would be created for Middle Verde.
7. Build Alternative (p. 33) defines the project in words only, which is insufficient.
 - a. “Construct a new road...with one travel lane in each direction and shoulders to accommodate multi-modal users” and
 - b. “Construct a connector road to Middle Verde area on the east side of the Verde River”

Simple graphic illustrations should be added to help the reader understand fundamental limits, dimensions and layout features of the Build alternative. Overall, the definition of the Build alternative excludes Middle Verde Road, which is a fatal flaw.

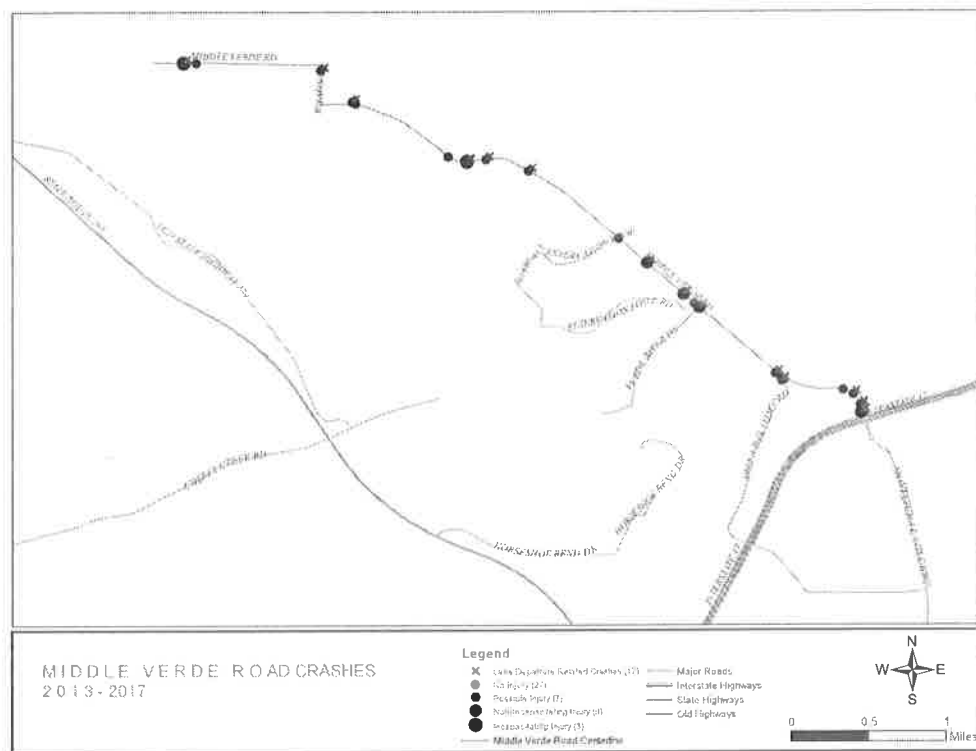


Exhibit A
MIDDLE VERDE ROAD CRASHES
(Source: Yavapai County)

The project is defined as the complete connection between SR 260, Cornville Road and Middle Verde Road, which is reasonable for an environmental assessment. However, the DEA ignores the highly probable event that only Phase I would be constructed. This omission is misleading and incomplete despite the general disclaimer on page 33: “Construction of Phase II would occur when funding is available.”

If only Phase I were completed (and there is no funding identified for completing Phase II), it would likely be an in-direction route for Camp Verde area residents to avoid congestion and roundabouts on SR 260 when traveling to Cottonwood and vice versa for Cottonwood area residents traveling east toward Camp Verde – just as existing commercial traffic avoids SR 260 today by diverting to Cornville Road. This could very well induce additional traffic on Middle Verde Road over and above the forecast traffic levels for the project. Indeed, the 2045 traffic forecast of 4,500 cars per day would overwhelm capacity and safety limits and adversely affect the human environment (e.g., noise, traffic congestion, safe access at driveways and intersections and absence of appropriate standard roadway design features for safe operations related to widths of traveled way, shoulders, clear zones, grades, cross slopes, superelevation and stopping sight distances). Yet the DEA neglects to mention much less evaluate these effects on Middle Verde.

Affected Environment, Environmental Consequences and Mitigation Measures

8. Resources Eliminated from Detailed Study (p. 39+) excludes traffic, the environmental resource at the foundation of the purpose and need. This is a fatal flaw.
9. A section on traffic **must be added**.
 - a. The public – especially residents and stakeholders in Middle Verde – must be given facts about traffic to make reasoned judgments about fundamental tradeoffs of the project. The implications of the significant increases in traffic forecasts for Middle Verde Road and other roadways must be revealed. The DEA includes no information of this kind except under Noise, where selected roadway conditions are briefly cited to support analysis of changes in noise levels due to the project but measured no further east on Middle Verde Road than within the proximity of Grandpa Wash.
 - b. Inspection of traffic forecasts prepared for the County revealed relatively small increases in traffic (in the 5% to 15% range) for Cornville Road and SR 260 and a relatively large increase (31%) on Middle Verde Road. Resulting 2045 Build congestion was shown to be relatively similar to 2045 No-Build congestion, which begs the question “Why build the project?”.
10. Public Health and Safety (p. 149-150) notes passersby and visitors to public lands experience risk exposure and mentions common risks such as *vehicle accidents* and *slips and falls*. The discussion of these important risks stops there and focuses generally on “temporary” impacts of construction. This section excludes daily risk exposure to residents (and their guests, businesses and customers and service providers) using Middle Verde Road, a narrow, curving and steep, two-lane road with no shoulders and minimal paving. The document says nothing about accidents that routinely occur and affect people’s lives.

County accident data were reviewed and indicated a total of 46 collisions occurred on Middle Verde Road during the period 2013 through 2017, including 19 injury collisions. (See Exhibit A) The data indicated that approximately 30% of the collisions were related to lane departure, meaning drivers running off the road – likely due to horizontal and vertical curves and narrow width without shoulders, recovery areas, proper grading or superelevation.



Common Overturn Collision on Middle Verde Road

A substantial increase in traffic on Middle Verde Road under the Build condition will likely lead to increased frequency of collisions resulting in property damage, injuries and deaths. Substantial safety improvements to Middle Verde Road must be included to avoid serious impacts involving injuries and loss of life, and the roadway must be brought up to appropriate standards to provide functional quality equal to the project.

Conclusion

The DEA is fundamentally flawed because: 1) it excludes Middle Verde Road, the essential component of the project; and 2) it lacks a properly detailed discussion of traffic, the environmental resource at the foundation of the purpose and need. I believe an Environmental Impact Statement (EIS) must be prepared to address these issues for the project.

I trust my comments will be helpful. Please contact me if you have any questions or other requests.

Sincerely,
KRUPKA CONSULTING

A handwritten signature in cursive script, appearing to read "Paul J. Krupka".

Paul J. Krupka, PE
Sole Proprietor

Registered Professional Engineer in California
Civil C 47497, Traffic TR 1574

cc:
Todd and Diane Scantlebury
Howard Shanker

HEATHER GREEN, WILDLIFE BIOLOGIST

COMMENTS ON THE VERDE CONNECT
DRAFT EA

**Comments on the Draft Environmental Assessment, Biological Assessment, and Biological
Evaluation for the Verde Connect Project
(Yavapai County and Federal Highway Administration)
May 20, 2020**

Background: The Draft Environmental Assessment, Biological Assessment, and Biological Evaluation for the Verde Connect Project were released on April 25, 2020. The accompanying Biological Opinion was released on May 9, 2020. The Verde Connect project is proposed to occur on lands managed by Coconino National Forest, Prescott National Forest, and the Arizona State Land Department. The project is proposed primarily in desert scrub, semi-desert grassland vegetation and cottonwood/willow riparian habitat along the Verde River. Mesquite bosques (park like stands of mesquites that have access to groundwater) occur on floodplain terraces. The combination of mesquite bosques with cottonwood/willow creates a unique vegetation community for an assemblage of wildlife species including the western yellow-billed cuckoo and Bell's vireo. Bosques have been fragmented by roads on the Coconino and are threatened by groundwater pumping (Coconino NF Land Management Plan p. 41).

Federally listed species with potential or occupied habitat in or near the project area include Arizona cliffrose, Southwestern Willow Flycatcher, Yellow-billed Cuckoo, Mexican spotted owl, Razorback sucker, Spikedace, Loach minnow, Narrow-headed gartersnake, and Northern Mexican gartersnake.

Forest Service sensitive species with occupied or known habitat within the project area (not including historical) include: Desert sucker, roundtail chub, Sonora sucker, American peregrine falcon, Bald eagle, Common Blackhawk, Allen's lappet-browed bat, Pale Townsend's big-eared bat, Western red bat, Cochise sedge, Heathleaf wild buckwheat, Hualapai milkwort, Mearn's sage, Metcalfe's tick-trefoil, Page Springs agave, Ripley wild buckwheat, Sacred Mountain agave, Tonto Basin agave, and Verde breadroot area (Threatened, Endangered and Sensitive Species list provided by US. Forest Service in Biological Evaluation p. 171 of 227).

Over 30 migratory birds are associated with the project area which contains habitat that could be used for foraging, nesting, migrating or wintering (Biological Evaluation pp. 34, 35).

Document Review

The collective results of future plans and surveys have unknown consequences and could influence a finding of significance.

The DEA and related documents refer to several plans and surveys that will occur in the future. These include:

- Plans for erosion and sediment control, stormwater management, stormwater pollution prevention, and spill prevention and containment;
- Plans for vegetation restoration;
- Botanical surveys for 11 Forest Service sensitive plants, the endangered Arizona cliffrose, and invasive and non-native plants;
- Additional protocol surveys for southwestern willow flycatchers and yellow-bellied cuckoos; and
- Surveys for two Forest Service sensitive species – Arizona toad and lowland leopard frog.

“Before ground-disturbing activities occur within 0.5 mile of the Verde River, Yavapai County will develop plans for erosion and sediment control, stormwater management, stormwater pollution prevention, and spill prevention and containment. FHWA and Yavapai County will assure full implementation of these plans at all stages of construction” (Biological Opinion p. 9).

“In the spring and summer 2020 and/or 2021, a Yavapai County biologist or biologist under contract to Yavapai County will conduct botanical surveys for USFS sensitive species, targeting limestone soil endemics, including the endangered Arizona cliffrose. This soil type does not occur in the action area but occurs nearby. If surveyors find Arizona cliffrose plants, they will contact FWS and USFS to determine if conservation actions are necessary (Biological Opinion p. 11). If sensitive plant species are found, the USFS will be contacted, the plants avoided, transplanted if possible, or otherwise handled as per USFS direction. The impacts to (Forest Service sensitive plants) would be minimized through the preparation of a vegetation restoration plan that would detail special considerations for sensitive plants, and outline restoration of impacted areas after construction has been completed. Various restoration techniques would be considered including seeding with native seed mixes, salvage/harvest management of topsoil [which should be described], and restoring contours to pre-construction conditions (Biological Evaluation p. 33).”

“A Yavapai County contractor will conduct protocol surveys for the flycatcher and cuckoo in the construction footprint and action area during the 2020 breeding season. Results of these surveys will supplement data from protocol surveys completed in 2019 and used in our (FWS) effects analysis for flycatchers and cuckoos. If the 2020 survey data submitted by Yavapai County indicate the need to reconsider the FWS effects analysis in this BO for either species, FWS will notify FHWA” (Biological Opinion p. 13).

Call points for Arizona toad and lowland leopard frogs will be attempted in spring of 2020 to determine presence or absence of these species within the action area (Biological Evaluation p. 27). The BE goes on to say that an on-site biological monitor would be present during all ground-disturbing activities (required for the protection of ESA-listed species).

Comment: Although these plans are intended to mitigate on-the-ground project impacts and/or meet legal requirements, they could have impacts on the ground in and of themselves not disclosed in the DEA. In addition, survey results could result in project modifications. Collectively, these impacts or survey results could have unknown consequences which could influence a finding of significance.

Comment: Planned botanical surveys should also include the proposed 2.5 miles of re-located fence, water fencing, water developments on the Apache Maid allotment, motorized trail reconfiguration, and the relocated trailhead and parking area. This would be part of the environmental clearance that Yavapai County committed to do (DEA p. 34).

DEA page 118 – Water

Comment: The draft EA states on page 122 that “shafts can be drilled through the water table to the necessary excavation depth” and goes on to explain the process by which concrete/cement would not enter the flowing Verde River which would be harmful to aquatic species. The draft EA is silent on whether drilling through the water table would impact the Verde River, agricultural lands, or connected springs if any. This could have negative consequences on any associated species or groundwater wells in the vicinity. A June 4, 2019 letter from the Yavapai-Apache Nation requested that protection of agricultural lands be evaluated in the draft EA (Appendix K).

Comment: The draft EA also states in the Environmental Consequences section on page 122 that retention basins would be constructed on either of the two connectors (Middle Verde Road and FR 119A). The Middle Verde connector would have one retention basin upstream of the proposed connector route to control flooding in the areas downstream of the roadway. The FR 119A connector would have two retention basins. However the draft EA

does not specify the location, sizes, or construction materials of the retention basins, even approximately, and does not discuss the material that would be used where the outlet of the basin approaches the Verde River or what would be used to prevent scour. Consequently the relationship of the basins to wildlife and plant species and habitat is unknown and not analyzed. The DEA does not discuss the storm event that the retention basins would be designed to withstand which could affect human health and safety and integrity of the river system. The Biological Evaluation notes that retention basins or other storm water mitigation would reduce sediment delivery into the Verde River but is silent on the impact to species and habitat.

Comment: The draft EA (p. 115) states that a water line extension or a well would be constructed and a trough would be constructed south and north of the proposed roadway for the Beaverhead Grief Hill Pasture. This would be done to accommodate the existing cattle grazing within the study area. The water for the line would be from municipal sources or a well. The draft EA and documents incorporated by reference do not evaluate the impact of the proposed well on base flows for surface water, groundwater, or other water related impacts. This should be evaluated. Water sources are critical to wildlife species and can be beneficial as a water source but detrimental if water sources and accompanying fences (if any) are not constructed in a wildlife friendly manner. They can also be a source of nonnative plant or animal species.

Comment: Arizona Department of Environmental Quality circulated information about the Verde Connect project to their Air Quality, Water Quality, and Waste Program staff. Their staff identified underground storage tanks and leaking underground storage tanks in the project vicinity (Appendix K). The relationship of these tanks to the project, actions connected to the project, ground water, and surface water was not evaluated in the draft EA or documents incorporated by reference. This could have could have significant cumulative effects.

Comment: The DEA states that if groundwater wells cannot be avoided through changes in project design, proper abandonment or regulatory closure would be required. The DEA should disclose where the wells that could be potentially affected are located (USFS, ASLD, Yavapai-Apache Nation?). If groundwater wells cannot be avoided, does this mean that groundwater would be contaminated? And if so, what communities would be affected by this contamination? Would springs or other water sources be potentially contaminated, and if so, which ones?

Comment: The DEA and referenced documents acknowledge the presence of many nonnative aquatic predators in the Verde River system (see Biological Evaluation pp. 19, 20 and the June 2015 AZGFD Fish Survey Report attached to the Biological Evaluation). However neither the DEA nor referenced documents addressed the potential introduction of nonnative aquatic invertebrate species. Nonnative invertebrates should be addressed and mitigation measures should be established to mitigate the potential for introduction of these harmful organisms. Nonnative aquatic invertebrates could potentially be introduced into waters and wetlands via various activities, contaminated project equipment, or water used during construction. In some circumstances, nonnative invertebrates like quagga mussels can live several days without water. Quagga mussels and other nonnative invertebrates are present in Arizona. Contaminated mud or debris on equipment could come in contact with water. This could result in irreversible negative consequences to aquatic systems or water infrastructure. Nonnative aquatic species could affect the physical and biological characteristics of critical habitat for razorback suckers, spinedace, and loach minnow, and Northern Mexican gartersnakes as well as the habitat and prey for Forest Service sensitive species such as common black-hawks, roundtail chub, Gila chub, Sonora suckers, and Desert suckers.

DEA Section 4.15.2.1 – Federally listed species – p. 127

Nine federally listed species were evaluated in detail (DEA p. 127). Eight of these species have either proposed or designated critical habitat. Critical habitat is designated, or proposed for designation, by U.S. Fish and Wildlife Service and is areas of habitat believed to be essential to species conservation.

Table 29. ESA-Listed Species Evaluated in Detail

Common Name	Scientific Name	Status ¹	Critical Habitat
Arizona cliffrose	<i>Purshia (=Cowania) subintegra</i>	ESA LE	N/A
Mexican spotted owl	<i>Strix occidentalis lucida</i>	ESA LT	Designated
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	ESA LE	Designated
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	ESA LT	Proposed
Razorback sucker	<i>Xyrauchen texanus</i>	ESA LE	Designated
Spikedace	<i>Meda fulgida</i>	ESA LE	Designated
Loach minnow	<i>Tiaroga cobitis</i>	ESA LE	Designated ²
Narrow-headed gartersnake	<i>Thamnophis rufipunctatus</i>	ESA LT	Proposed ²
Northern Mexican gartersnake	<i>Thamnophis eques megalops</i>	ESA LT	Proposed

Source: USFWS September 24, 2019. <http://ecos.fws.gov/ipac>.

¹ Status designations: ESA = Endangered Species Act, LE = Listed Endangered, LT = Listed Threatened.

² Though the species was not included on the IPaC list, designated or proposed critical habitat occurs within the project area; therefore, the species was included in the evaluation.

Species included in the USFWS list but excluded from further evaluation are addressed in Table 30; this project would have no effect to the species listed in Table 29.

Table 30. ESA-listed Species Excluded from Further Evaluation

Common Name (Scientific Name)	Status ¹	Habitat Requirements	Exclusion Justification
Gila Chub (<i>Gila intermedia</i>)	ESA LE	Small to large perennial rivers with deep turbid strongly flowing water, eddies, or backwaters.	Species' known current geographic range does not include the Verde River - nearest known location is in Oak Creek, which drains into the Verde River approximately 2 miles north of the project area.
Woundfin (<i>Plagopterus argentissimus</i>)	Exp. Pop.	Small streams, springs, and cienegas vegetated wouldows; less than 4,500 feet.	Project is outside of species' known current geographic range in the mainstream sections of the Virgin River -- nearest known location is 175 miles northeast of project area.

Source: USFWS September 24, 2019. <http://ecos.fws.gov/ipac>.

¹ Status designations: ESA = Endangered Species Act, LE = Listed Endangered, LT = Listed Threatened, Exp. Pop = Experimental, Non-essential Population.

Comment: The document should read "This project would have no effect to the species listed in Table 30, not Table 29. Listed species tables should be updated to reflect the completed Biological Opinion from USFWS.

Comment: Western Yellow-billed Cuckoo

A Biological Assessment was prepared to evaluate the effects of the Verde Connect project on federally listed species, their habitat, and proposed and designated critical habitat (February 6, 2020). A technical memorandum was prepared by Jacobs as an addendum to the BA to evaluate potential effects to newly proposed critical habitat.

This addendum cites project measures that would be employed to mitigate the effects to proposed critical habitat however there is conflict. Page 8 of the addendum states that vegetation removal would occur between October 1 – February 28 to avoid the cuckoo’s breeding season however p. 9 of the addendum states that vegetation removal would occur between September 1 and February 28. This latter date range conflicts with the cuckoo’s breeding season of May 15 to Sept. 30 and could negatively affect reproductive success. This should be adjusted to avoid the breeding season.

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Listed Species with adverse effect determinations

It is not uncommon for changes to occur as the analyses and consultation with USFWS for federally listed species and their habitat proceed. The following table displays the effect determinations shown in the DEA, Biological Assessment and accompanying addendums, and the Biological Opinion from USFWS. The legal framework for evaluating impacts to federally listed species requires specific language. In general terms, a ‘no effect’ determination is no to low impact to the species or its habitat and USFWS is not required to comment on findings of no effect. A ‘not likely to adversely affect’ determination represents more moderate impacts to the species and habitat and a ‘likely to adversely affect’ determination represents high impacts to the species and/or its habitat and these impacts are detailed in the associated documents. As a regulatory agency, USFWS is required to state it’s own conclusions on the impacts of the projects and states these conclusions (for this project) in terms of ‘not likely to jeopardize the continued existence’ of the species with ‘likely to adversely affect’ determinations; and ‘not likely to destroy or adversely modify’ the designated or proposed critical habitat for species with ‘likely to adversely affect’ determinations for critical habitat.

Based on these analyses, three species had ‘likely to adversely affect’ determinations: southwestern willow flycatcher, Western yellow-billed cuckoo, and northern Mexican gartersnake. There was a ‘likely to adversely affect’ determinations for designated critical habitat for southwestern willow flycatchers, and for proposed critical habitat for western yellow-billed cuckoos and northern Mexican gartersnakes. This is not inconsequential.

These three species are associated with the riparian and aquatic habitats of the Verde River, as well as some of the nearby upland habitats. USFWS stated that the Verde River’s ability to maintain conditions for listed species over the long-term is not assured and that this is due to drought or drought-like conditions that have occurred through much of Arizona since at least 2009. In addition it states that the upper Verde River habitat quality has declined due to groundwater pumping and streamflow diversions for agricultural, municipal, and industrial developments. This is combined with a human population in the Verde River watershed that has more than doubled in the past 2 decades and current trends indicate that populations will double again in the next 20 years. Consequently, reduced base flows and loss of perennial conditions, because of increasing water demand and climate change in the Verde River basin may represent significant threats to listed species in the action over the long-term (BO pp. 29, 30).

The flycatcher is endangered primarily because of habitat loss and alteration due to actions associated with urban development and agriculture. Other threats include human recreation along rivers and streams, livestock grazing, brood parasitism by brown-headed cowbirds, proliferation of exotic vegetation, watershed degradation, and drying of rivers (BO pp. 15, 16).

The primary threat to the threatened western yellow-billed cuckoo is loss or fragmentation of riparian nesting habitat. Factors that remove or alter cuckoo habitats include water diversions, ground water pumping, stream channelization and stabilization, agricultural development, livestock grazing, wildfires, establishment of nonnative vegetation, drought and others. Habitat fragmentation has led to isolation of small populations and increased their susceptibility to declines and local extirpations. Their range in Arizona has been reduced (BO p. 18, 19).

USFWS analyzed the effects of the project and anticipated that flycatcher and cuckoo nesting pairs would be harassed by construction over a single breeding season with reduced productivity (but no anticipated fatalities). Although migrating and dispersing flycatchers and cuckoo behavior may be altered by construction, USFWS concluded that behavior changes would be of short duration and foraging and sheltering habitat would be available nearby (BO p. 38).

USFWS stated that the new bridge is of more concern because it will permanently fragment flycatcher and cuckoo habitat and designated/proposed critical habitat and have a temporal effect. Habitat removal could temporarily reduce prey species. USFWS also stated that bridge and construction design may alter river dynamics and possibly riparian habitat quality in the area that extends a short distance upstream or downstream from the bridge (BO p. 38).

USFWS states however that because cuckoos and flycatchers are distributed across multiple states and occurrence elsewhere along the Verde River and throughout Arizona, the loss of a single year's productivity will not have noticeable short or long-term effects to local or broader flycatcher or cuckoo populations, distribution, or abundance. The agency also states that the effect of the bridge is minimized because of its relatively small footprint and orientation relative to the river and that the bridge will not prevent continued river flow and habitat development further upstream or downstream allowing critical habitat to remain functional for these species conservation and recovery (BO pp 38, 39).

The range of the northern Mexican gartersnake has been greatly reduced and Arizona has the only known viable populations where they can be reliably detected including the middle/upper Verde River (BO p. 22). Threats to this species include harmful nonnative species, alteration of rivers and streams from dams, water diversions, flood-control projects, and groundwater pumping that reduces or eliminates habitat and favors harmful nonnative species, as well as drought and climate change (BO pp. 22 and 23).

USFWS analyzed the effects of this project and concluded that human activity and heavy machinery needed for project construction is anticipated to harass, injure, or kill northern Mexican gartersnakes. The degree of this is expected to be minimized by implementation of conservation measures and because there is a relatively small action area and an anticipated 1-1.5 year project length. The project is not anticipated to result in local or broader population effects because this snake is known to occur in New Mexico and Mexico and is reliably detected across various Arizona streams (BO p. 39). However, because FHWA discretion is expected to cease once the project is completed, USFWS was unable to evaluate the fatality risk a new roadway and high speed vehicle travel would pose to gartersnakes (BO p. 36). This fatality risk should be evaluated in cumulative effects for gartersnakes.

USFWS also anticipates temporary adverse effects to several aspects of proposed critical habitat for northern Mexican gartersnakes. These aspects are aquatic or riparian habitat and adequate terrestrial space. They also anticipate permanent changes to terrestrial space from bridge piers, abutments, wingwalls, and roadways. The extent of the effects is limited by the small construction footprint within proposed critical habitat. Because these temporary and permanent alterations to gartersnake habitat are a small portion of its proposed critical habitat, its proposed critical habitat is expected to remain functional for gartersnake conservation and recovery (BO p. 39).

The current effect determination for Arizona cliffrose is 'no effect' however botanical surveys are planned for this species and if any plants are found, then the impacts to the species, and the project, could change.

Determinations									
	EA	BA/BA addendum	BO	EA	BA	BO	EA	BA	BO
Species	Species Determination			Designated Critical Habitat			Proposed Critical Habitat		
AZ cliffrose	NE	NE							
Mexican spotted owl	NLAA	NE initially then NLAA	NLAA						
SW willow flycatcher	LAA	LAA	Not likely to jeopardize the continued existence	LAA	LAA	Not likely to destroy or adversely modify			
Yellow-billed cuckoo	LAA	LAA	Not likely to jeopardize the continued existence				LAA		Not likely to destroy or adversely modify
Razorback sucker	NLAA	NLAA	NLAA	NLAA	NLAA	NLAA			
Spinedace	NLAA	NLAA	NLAA	NLAA	NLAA	NLAA			
Loach minnow	NLAA	NLAA	NLAA	NLAA	NLAA	NLAA			
Narrow-headed gartersnake	NLAA	NLAA	NLAA				LAA initially then NE	LAA initially then NE	NE
Northern Mexican gartersnake	LAA	LAA	Not likely to jeopardize the continued existence				LAA	LAA	Not likely to destroy or adversely modify
NE=no effect, NLAA=not likely to adversely effect, LAA=likely to adversely effect, Blank cells=not applicable									

Cumulative Effects

The cumulative effects analyses for federally listed species and proposed or designated critical habitat (southwestern willow flycatcher, yellow-billed cuckoo, razorback sucker, loach minnow, spinedace, narrow-headed gartersnake, Northern Mexican gartersnake, and Mexican spotted owl) are incomplete (Biological Assessment pp. 27, 33, 42, 48, 54 and Technical Memorandum in the BA p. 3 dated April 21, 2020). The Biological Assessment states that much of the Verde River corridor within the Verde Valley is in private ownership and various developments, activities, and uses (e.g. livestock, agriculture, and water diversions) are ongoing in this area and that this project, along with these private activities in the Verde Valley, could contribute incrementally to cumulative effects to the species being analyzed. These same statements are listed for each species however different activities and uses can affect species differently. Listing ongoing activities is not a substitute for analysis of effects of past, ongoing, and foreseeable future projects combined with effects of the proposed project.

Comments: The Biological Evaluation employs the same cumulative effects statements as the Biological Assessment for Forest Service sensitive species (Biological Evaluation pp. 28-33) and migratory birds (p. 37).

These analyses are incomplete because:

- the evaluations fail to consider other jurisdictions such as the Yavapai-Apache Nation and the Arizona State Land Department;
- the evaluations do not evaluate a list of past, ongoing, or reasonably future actions (DEA p. 152); and only provide a general list of some ongoing activities in the Verde Valley (with no boundary identified);
- the evaluations do not identify the type, severity, or duration of impacts; and
- the evaluations do not identify a temporal or geographic boundary for cumulative effects.

Cumulative effects analyses were silent on activities and uses mentioned (or not mentioned) in the DEA and other associated documents:

- The sale of ASLD land would likely result in the conversion of land that is currently used as range land to a developed use, such as commercial or residential (DEA p. 154);
- Road improvements to accommodate 4 lanes of traffic will occur in the future (Biological Opinion p. 7);
- Increased recreation and trash disposition, habitat fragmentation, fire risk, contamination of surface and groundwater (Biological Opinion p. 37);
- Increased urbanization and development may increase use of surface and groundwater in the Verde River drainage and could ultimately reduce flows in the Verde River resulting in significant long term threats to listed species in the action area over the long-term (Biological Opinion p. 30, 37.);
- Future management of the Verde Connect bridge would likely require vegetation removal or modification and possible removal of debris around piers and abutments (Biological Opinion p. 37) and
- Black Canyon Trail and connector (DEA p. 63).
- Increased traffic along the Middle Verde Road and the new road that could increase wildlife-vehicle collisions (Biological Evaluation p. 39).

DEA Section 4.15 – Biological Resources – p. 126

Comment: Plants of cultural significance to the Yavapai-Apache Nation are embedded in the habitats affected by the project, particularly the riparian habitat. Analysis of the impacts to culturally significant plants is absent from the DEA and should be included in the final EA (see June 4, 2019 letter from the tribe in Appendix K). Eighteen

percent of the plants known to be used by tribes that traditionally use the forest occur in cottonwood/willow habitat (Coconino NF Land Management Plan p. 40).

Comment: In coordination with stakeholders, Yavapai County committed to providing environmental clearance for motorized trail reconfiguration and parking area relocation (DEA p. 34). The DEA discusses noise related impacts and impacts to recreation and transportation suitability impacts on pages 57, 58, 62, 63, 66, 67, and 157, but the DEA, Biological Assessment, and Biological Evaluation failed to analyze impacts to environmental and biological resources.

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DEA Section 4.2 – Land Use and Jurisdiction – p. 41

Build Alternative

A total of 277.6 acres of new ROW would be required for this project. The new ROW would be within vacant land or along the existing FR 119A road. No business or residential acquisitions or displacements would occur.

Yavapai County would purchase approximately 29.5 acres of the ASLD parcel for new ROW. The land on either side of the future road would continue to be allotted for grazing for the foreseeable future and held in trust for future sale. Grazing impacts are addressed in Section 4.3 Livestock Grazing. While the land use would change within the new ROW, no change in the land use would occur on the rest of the parcel.

Comment: Where will the money for the purchase of 29.5 acres from ASLD come from and what is the estimated cost? How does the timeline for acquisition of ASLD land fit into the overall project schedule? A changed schedule could impact the timing and implementation of conservation measures and change the consequences associated with the project and affected federally listed or sensitive species.

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Wildlife connectivity – fencing responsibility and fencing standards

Comment: The responsibility for fencing and culverts is unclear. The DEA has specifications for right-of-way fences and culverts under Design Responsibilities (p. viii, ix) yet the Biological Opinion assigns these Conservation Measures to the U.S. Forest Service (p. 15). It is critical that these structures be constructed to wildlife compatible standards as stated in both documents to mitigate loss of connectivity for wildlife. Which agency is the responsible party?

Comment: It is unclear whether a fence will be built to exclude people from the Verde River. The Biological Evaluation (p. 30) states that fences will be built to exclude the river and that this would reduce recreation disturbance and impacts to Forest Service sensitive birds and their habitat - bald eagle, peregrine falcon, and common black hawk. A fence to exclude access to the river is not included as a conservation measure in the DEA, Biological Assessment, or Biological Evaluation. Is the fence part of the project and which agency is responsible?

Comment: The DEA is not clear whether fences associated with the Middle Verde pasture on the Apache Maid allotment and fences around Jones Tank will be built to wildlife standards (DEA p. 44). The fences should be built to wildlife standards to mitigate the effects of fencing on wildlife connectivity.

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DEA Section 4.17 Materials Sources and Waste Material – p. 148

The document states:

4.17.1 Affected Environment

The project area has numerous hills and valleys that would require either the removal or addition of material, or fill, to construct the proposed road to the specified design. It would be the responsibility of the contractor to identify any waste disposal sites and to provide the environmental documentation regarding the potential use of these sites, as specified in the ADOT Standard Specifications for Road and Bridge Construction (ADOT 2008). All waste materials will be removed from the project area and disposed of at an approved facility. Compensation for the materials removed would be made to the appropriate land owner.

The DEA (pp. 148, 149) also states: “Preliminary calculations indicate that construction of the Build Alternative would result in the excavation of 1,420,000 cubic yards of material, with approximately 681,000 cubic yards in Phase I and 739,000 cubic yards in Phase II. Of the excavated material, approximately 820,000 cubic yards would be reused on the project as fill and the remaining 600,000 cubic yards would be waste material. During Phase I, approximately 180,000 cubic yards of waste would be created. Of that, approximately 120,000 cubic yards would be generated from ASLD land and approximately 60,000 cubic yards from Prescott NF. The remaining 420,000 cubic yards would be generated on Coconino NF land. If a practical disposal location is identified by the Forests, that would be used first. If no location is identified, then the materials would be removed from that forest. The contractor would be responsible for using approved sites to dispose of excess waste materials and construction debris in accordance with federal, state, and local laws and regulations. Potential impacts due to waste disposal needs would be minor.”

The Biological Assessment states that “Staging and stockpiling materials would occur within the disturbance area outside of the active channel of the Verde River (BA p 7 lines 28, 29).

Comment: Neither the DEA or referenced documents identify the sources or locations for materials needed for construction. Excavation and disposal could influence the cost of the project and alter environmental consequences, cumulative effects, or significance for resources such as riparian habitat, aquatic species, soil, water, agricultural lands, or tribal lands. The source locations of materials should be identified and accompanying consequences should be analyzed and disclosed in the EA and documents incorporated by reference.

DEA Section 4.16 Hazardous Materials – p. 145

Hazardous materials and regulations are defined and described on p. 145. Lead that exceeded health standards was detected in four locations within the project limits (roadway striping on Coury Drive and Cornville Road and white and yellow cattle guard striping on FR 119A) (pp. 146, 147, and table 34).

The document states:

4.16.3 Environmental Consequences

Build Alternative

Regulated action levels of lead-based paint are present in the project area, but no other readily apparent hazardous materials concerns were identified. As such, no further hazardous materials assessments are required.

Prior to construction, an approved lead-based paint removal and abatement plan would be developed and implemented to reduce the potential to expose workers and others to lead-based paint. During construction, the practices identified in the plan to avoid abrading the paint on cattle guards would be implemented. With the implementation of the mitigation, no impact associated with hazardous materials is anticipated to occur due to the implementation of Build Alternative. In addition, if the groundwater wells cannot be avoided through changes in project design, proper abandonment or regulatory closure would be required.

Comment: The DEA lists multiple mitigation measures to reduce lead-based paint exposure potential to workers and others in accordance with an approved lead-based paint removal and abatement plan. The DEA is silent on whether lead-based paint will be used on new cattle guards or on roadway striping on new roads and whether there are any associated hazards.

Report prepared by Heather Green, M.S. Biology and B.S. Biology, Northern Arizona University. 31 years experience with the Forest Service. Retired.

From: Dee Kephart <dkephart@azgfd.gov>
Sent: Tuesday, May 19, 2020 1:12 PM
To: VerdeConnectComments
Subject: [EXTERNAL] AGFD Response Letter Verde Connect Draft EA
Attachments: c12102_1-15.pdf; AGFD Response Verde Connect Draft EA.pdf

Good Afternoon,

Attached is the Arizona Game and Fish Department's response letter to the Verde Connect Draft Environmental Assessment. Additionally I have included a fencing schematic referenced in the response letter. Please feel free to contact me if you have any questions or need further information. Thank you for the opportunity to provide Department concerns and comments throughout the Verde Connect development process.

Kind Regards

Dee Kephart

DEE KEPHART HABITAT, EVALUATION AND LANDS PROGRAM MANAGER

ARIZONA GAME AND FISH DEPARTMENT

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Join our new [Conservation Membership](#) program and ensure a wildlife legacy for the future.



May 19, 2020

Verde Connect Project
Attn: Ms. Nancy Shelton
Care of Central Creative LLC
24 W. Camelback Road #A-479
Phoenix, AZ 85013

Re: Review of the Verde Connect Draft Environmental Assessment

Dear Ms. Shelton:

The Arizona Game and Fish Department (Department) has reviewed the Verde Connect Draft Environmental Assessment (EA) posted on your project website at www.verdeconnect.com, April 24, 2020. The Department understands this project is a partnership between Yavapai County and the Federal Highway Administration for a potential new roadway providing a north-south connection between State Route 260 and Cornville Road, with a new bridge construction over the Verde River in Yavapai County, Arizona. The Draft EA describes the process of developing and screening alternatives, describes the project, and provides information on the existing conditions and potential impacts that could result if the Verde Connect project is constructed.

Based on our review of the Draft EA, the Department offers the following general guidance for your consideration:

1. During all phases of construction, it's important to consider potential impacts to vegetation and wildlife habitat due to grading, trenching, and other ground disturbing activities. Temporary and permanent disturbance to habitat can have both direct and indirect impacts to wildlife.
 - a. Minimize impacts to drainages and vegetation both in and adjacent to the drainages. Staging areas should be located in previously disturbed sites, and kept as small as possible. Implement erosion and drainage control measures during the project to prevent the introduction of sediment-laden runoff into surface waters, and to prevent impacts to surface water quality. Culverts need to minimize impacts from erosion potential downstream and be appropriately sized for the flows predicted from the upstream washes. Stabilize exposed soils, particularly on slopes, with native vegetation as soon as possible to prevent excess erosion. In addition, contact the Army Corp. of Engineers for Best

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GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN
JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

Management Practices and guidelines for minimizing and mitigating impacts to drainages.

- b. Minimize the potential introduction or spread of exotic invasive species from road construction equipment. Wash all equipment utilized in the project activities before entering and leaving the site, and refer to Arizona's noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245); please see the Arizona Department of Agriculture website for prohibited and restricted noxious weeds.
<http://www.azda.gov/PSD/RegulatedRestrictedNoxiousWeeds.aspx>
<http://www.azda.gov/PSD/ProhibitedNoxiousWeeds.aspx>
2. During design and construction of the roadway it is important to consider potential impacts to wildlife movement. Habitat linkages and corridors are critical in maintaining healthy and sustainable wildlife populations.
 - a. When designing the areas of the roadway to be widened, along with any associated culverts, bridges, and fencing, please refer to *Guidelines for Culvert Construction to Accommodate Fish & Wildlife Movement and Passage* and *Guidelines for Bridge Construction or Maintenance to Accommodate Fish & Wildlife Movement and Passage*, found on the Department's website, and incorporate guidance as appropriate.
<http://www.azgfd.gov/hgis/pdfs/CulvertGuidelinesforWildlifeCrossings.pdf>
<http://www.azgfd.gov/hgis/pdfs/BridgeGuidelines.pdf>
3. The Draft EA mentions temporary fencing of work areas and water tanks, in particular the Jones Tank and the surrounding pastures for livestock management.
 - a. Fencing is generally intended to restrict movement of livestock, but incidentally may impede wildlife access to critical resources (e.g., water, forage, fawning grounds, cover) or restrict escape or migratory routes essential to the well being of individuals and populations. If livestock fencing is to be replaced and new installed, it is recommended to be wildlife friendly, with a maximum fence height of 42-inches for the top wire, and a minimum of 12-inches between the top two wires. The bottom wire should be smooth (un-barbed), and minimum height of 18-inches from the ground.
 - b. For right-of-way (ROW) fencing, please use the wildlife friendly fence designed by ADOT (design c12102_1-15; see attached Game Fence). This design was established in January of 2015 to provide two designs for wildlife friendly barbed wire fencing along ADOT ROWs; the Game Fence (GF) is designed to be the commonly used fencing in rural and undeveloped areas, and the Game Fence with Wood Stays (GFWS) is an alternative to the Game Fence designed for higher elevation areas that receive snow load.

The Department appreciates the opportunity to provide information early in the planning and design stages of the Verde Connect Draft EA. The Department would like to continue this coordinated effort and offer additional site-specific guidance that will help conserve wildlife and their habitats, including sensitive, threatened, non-game and game species, as project design progresses. If you have any questions about this letter regarding the Verde Connect project, please contact me at (928) 263-8855, or by email at dkephart@azgfd.gov.

Sincerely,

Ms. Nancy Shelton

Review of the Verde Connect Draft Environmental Assessment

Page 3

A handwritten signature in black ink, appearing to read "Dee Kephart", with a stylized, flowing script.

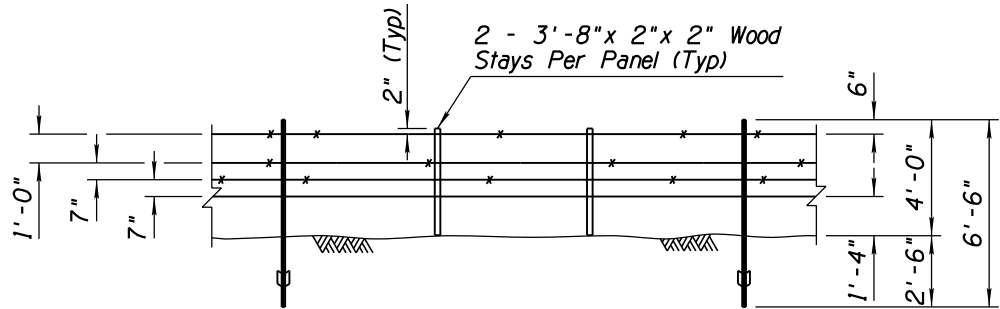
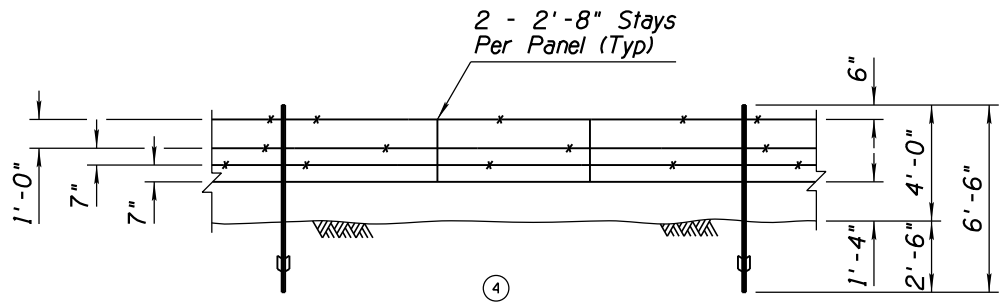
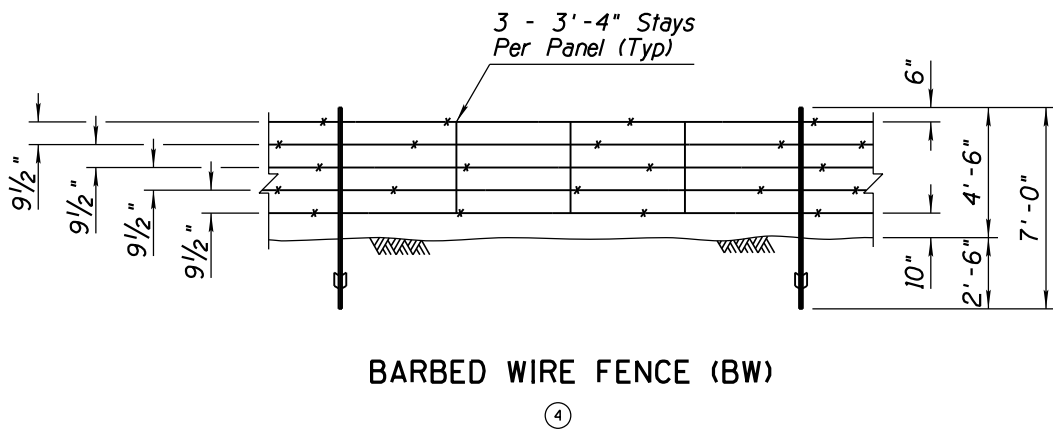
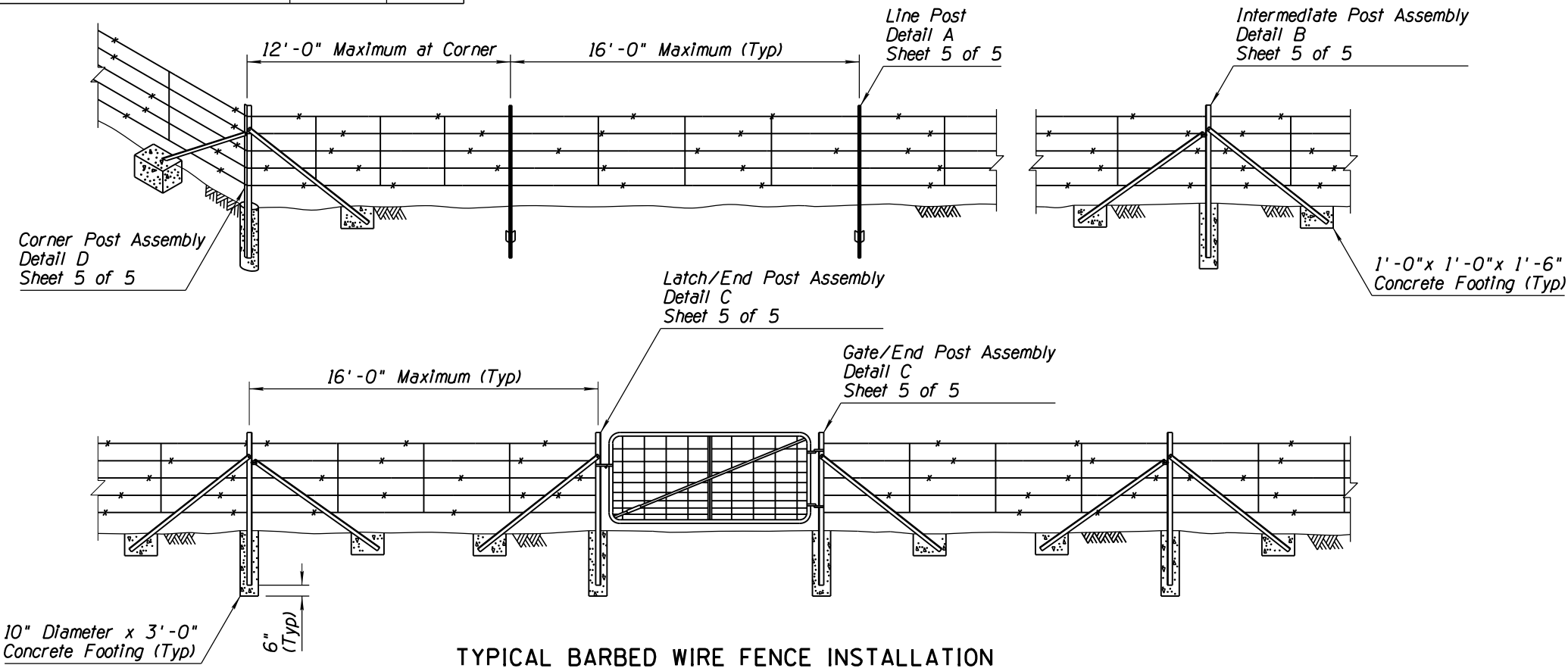
Dee Kephart

Habitat Evaluation and Lands Program Manager, Region 3

cc: Ginger Ritter, Project Evaluation Program Supervisor
Rob Nelson, Habitat Program Manager, Region II

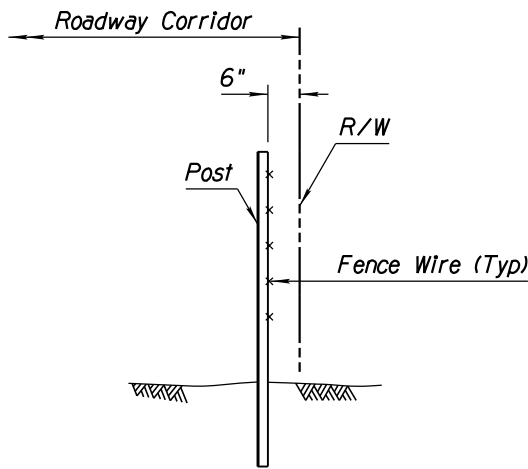
AGFD# M20-04244638

NO	DESCRIPTION OF REVISIONS	MADE BY	DATE
1	MODIFIED AND ADDED VARIOUS NOTES, CHANGED POST SPACING	PS	12/14
2	REMOVED TYPE 1 BARBED WIRE (BW) (4 WIRE)	KB	12/14
3	CHANGED POST SPACING, VARIOUS NOTES	KB	12/14
4	REMOVED TYPE FROM DETAILS, MISCELLANEOUS CHANGES	PS	1/15



GENERAL NOTES

- Intermediate post assemblies shall be located as shown and at intervals not to exceed 650', or midway between all braced posts.
- Fence wire shall be placed on the side of the line posts away from the main roadway except in sharper curve areas where it should be moved to the side with tension against the posts.
- For game fence the bottom wire shall be barless.
- Stays shall be evenly spaced between posts with spacing not to exceed 5 ft - 4 inches for game fence or 4 ft for barbed wire fence.
- Wire stays on game fence (GF) shall have their ends turned up to prevent injuries to game.
- Wood stays on game fence (GFWS) shall be secured to each fence wire with a double wrap of tie wire.



APPROVED FOR DESIGN	STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION ROADWAY STANDARD DRAWINGS	REV. 1/15
APPROVED FOR DISTRIBUTION	FENCE BARBED WIRE	DRAWING NO. C-12.10 Sheet 2 of 5

From: Ronald Tiller <tiller.ronald@azdeq.gov>
Sent: Monday, May 25, 2020 11:54 PM
To: VerdeConnectComments
Cc: Edwin Slade; Dodie O'Bier
Subject: [EXTERNAL] Verde Connect Comments

Dear Yavapai County and Federal Highway Administration,

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for the Verde Connect, a project that proposes to construct a new two-lane road between State Route 260 and Cornville Road. The project is anticipated to cross the Verde River, one of the largest perennial streams in the State of Arizona. The vast majority of the proposed project area of the Build Alternative (B2; Coury Drive to Beaverhead Flat Road) lies within the Verde River watershed. A small portion, about 2,500 feet, of its 9.4-mile length traverses into the uppermost elevations of the adjoining Oak Creek watershed.

The proposed bridge alignment anticipates crossing the Verde River about 1.5 miles downstream of the confluence of the Verde River and Oak Creek. Page 121 notes that the Arizona List of Unique Waters (Arizona Administrative Code R18-11-112(E)) and the Arizona 2006/2008 Section 303(d) List of Impaired and Not Attaining Waters were reviewed to determine whether any unique or impaired waters were present and found that no Unique or Impaired waters occurred within the study area. Arizona’s 2018 303(d) List of Impaired Waters includes the Verde River (Reach 15060202-025; Sycamore Creek to Oak Creek) for Dissolved Oxygen and *E. coli* and Oak Creek (Reach 15030202-106; Spring Creek to Verde River) for *E. coli*. The reach over which the proposed project crosses is Inconclusive, which means not enough water quality data are available to determine its status; however, given the Impaired status of the reaches immediately upstream of the proposed project, it is likely that additional data will reveal that this reach of the river is Impaired as well. The mitigation measures approved by the Federal Highway Administration demonstrates the commitment of the responsible parties to minimize impacts on the water quality of the Verde River.

Mitigation measures established for the upland areas and ephemeral channels affected by the construction of the road aim to minimize the disturbance footprint and address efforts to control erosion via a suite of Best Management Practices including reseeding using U.S. Forest Service approved seed mixes. Culvert design elements maintaining the dimension, pattern, and profile of ephemeral channel morphology will reduce the risk of erosion and sediment discharge from tributary drainages to the Verde River. As noted on page 120, the proper design and placement of culverts will be critical for minimizing erosion in drainages that are prone to channel incision.

Thank you in advance for considering and responding to our comments in the final version of the Environmental Assessment for Verde Connect.

Respectfully submitted,


Ron Tiller

Ron Tiller, PhD

Senior Scientist

Work: 602-771-0367

Mobile: 602-762-2036



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 25, 2020

Karla Petty
Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012

Subject: Verde Connect Project Environmental Assessment, Yavapai County, Arizona

Dear Ms. Petty:

Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for the Verde Connect project. The EA evaluates alternatives for a new road connection between State Route 260 and Cornville Road, including a new crossing of the Verde River and alternative access to the Middle Verde community and portions of the Yavapai-Apache Nation north of the Verde River.

Throughout development of the DEA, EPA has appreciated the commitment of FHWA to work closely with state and federal resource and regulatory agencies to address concerns early and avoid and minimize impacts to environmental resources. Through a collaborative approach of monthly agency meetings and cooperating agency reviews, EPA has had the opportunity to provide feedback and have our comments addressed through early revisions to technical reports and the environmental document. While EPA has no further comments on the DEA, we continue to be concerned about potential impacts to environmental resources associated with the Verde River, one of only two Wild and Scenic Rivers within Arizona, and one of the largest perennial streams in the state. We are encouraged by commitments made in the document that no permanent or temporary construction will occur within the main flow channel of the Verde River, and by the habitat restoration plan proposed for the Verde River Riparian Corridor. We look forward to continued collaboration with your agency as project design progresses to identify further avoidance and minimization measures, and to finalize a compensatory mitigation plan for any unavoidable impacts to federally regulated wetlands and waters. If you have any questions or concerns regarding our comments, please feel free to contact me at 415-972-3370 or meek.clifton@epa.gov.

Sincerely,

CLIFTON
MEEK

Digitally signed by
CLIFTON MEEK
Date: 2020.05.25
12:29:18 -07'00'

Clifton Meek
Environmental Review Branch

Cc via email: Roger McCormick, Yavapai County Public Works
Jesse Rice, U.S. Army Corps of Engineers